STATUTE LAW.

THIRD REPORT

OF

Mr. Bellenden Ker to the Lord Chancellor,

ON THE

PROCEEDINGS OF THE BOARD

FOR THE

REVISION OF THE STATUTE LAW.

Ordered, by The House of Commons, *to be Printed,*
12 *June* 1854.

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302—I.

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RETURN to an Address of the Honourable The House of Commons, dated 7 March 1854;—*for*,

"COPIES of the two REPORTS of Mr. BELLENDEN KER to the LORD CHANCELLOR, on the PROCEEDINGS of the BOARD for the REVISION of the STATUTE LAW."

(*Mr. Walpole.*)

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Third Report of Mr. Bellenden Ker to the Lord Chancellor, on the Proceedings of the Board for the Revision of the Statute Law.

My Lord,

Besides the production of Consolidated Acts and other works of immediate practical utility in connexion with the Statute Law, I have always considered it an important part of the commission with which I have been honoured by your Lordship (indeed, the most important, considering that the appointment was understood to be only of a temporary and experimental nature,) to inquire what is the most useful way in which a permanent Board or Commission could be employed in the improvement of the Statute Law, future as well as past.

I have already laid before your Lordship, in my First and Second Reports, of the 21st of August and the 27th of January last, the conclusions to which I have been led on this latter point, both as to what it is not, and what it is, expedient for such a permanent Board to attempt, and what benefits may be reasonably expected from its establishment; and as I have not seen any reason to alter the views expressed in those former Reports, I need only repeat here briefly that I conceive the most useful employment would be:—1st. The *gradual* consolidation or re-writing of the Statute Law, combining, of course, with such consolidation or re-writing all such improvements of the law as can be suggested; in short, continuing the process which has long been applied to isolated subjects and in a desultory way, but in a more rapid, careful, and uniform manner, thus at once producing immediate relief to the public from the present confused state of the Statutes, improving the law where it requires improvement, incidentally clearing the Statute Book of obsolete and unnecessary matter, setting an example of an improved style and form in drawing Acts of Parliament, which may reasonably be expected to have considerable influence, and also, (if the time is to be looked forward to when the formation and passing of a complete Code of English law will be possible and expedient,) collecting and preparing the materials for such a Code; an intermediate process which I feel satisfied must be gone through before the law as it now exists can be transformed into anything that can properly be termed a Code.* (Second Report, pp. 9—14.)

2nd. Preparing or settling Bills for the Government and such other parties as should choose to apply to them, and making Reports on such Bills, not settled by themselves, as should be referred to them. (Second Report, p. 13.) To which I may add another important function to which I did not refer in my former Reports, but which has been pointed out to me by Lord Brougham,

* Livingston, in the introductory title to his system of penal law for Louisiana, observes that "no Act of Legislation can or ought to be immutable; changes are required by the alteration of circumstances; amendments by the imperfections of all human institutions; but law ought never to be changed without great deliberation, and a due consideration as well of the reasons on which they were founded, as of the circumstances under which they were enacted." Locke, I believe, expressed the same idea, and in some suggestions for a code or charter, proposed that the laws should be made only for a term of years, so as to ensure their revision.

whose vigilance and experience never allow any opportunity for practical reform of the law to escape him; namely:—

3rd. Watching Bills in their progress through the two Houses, and reporting on all alterations which appear to make the enactments inconsistent with themselves or with other branches of the law, or which otherwise require notice.

4th. I have further submitted that anything in the nature of a complete Digest or consolidation into a Code, either of the Statute Law alone, or of the Statute and Common Law combined, cannot be commenced at present. (Second Report, pp. 11—14.)

5th. And also that it is not advisable at present to attempt to publish or enact anything in the nature of what is popularly understood by a revised edition of the Statutes. (Second Report, pp. 5, 6.)

6th. Nor to attempt to pass a general declaratory Act abrogating all the Statutes already repealed, expired, or otherwise not in force. (Second Report, pp. 7, 8.)

7th. Nor to prepare any pure Digests or consolidations of the existing law, not in the form of Bills, but merely for the information of the Legislature and the public, or as *materials* for future Bills; a process which, though not without its utility, would not, in my judgment, repay the labour and time which it would require. (Second Report, p. 9.)*

Some disappointment has been expressed at the apparently humble nature of these proposals; and, in particular, it has been objected, that my doubts as to the practicability of a consolidation of the whole of our Statute Law at once cannot be reconciled with my recognition of the complete success of a similar experiment in some of the United States of America.

In reply to this objection, I would observe, in the first place, that the success of an experiment in one country is no sufficient reason for attempting it in another, unless it can also be shown that there is considerable similarity between the external circumstances under which the two experiments are conducted. Now, with respect to the New York Code, it is evident that there was a strong desire on the part of the Legislature, and apparently also on that of the Bar and the public, to possess such a Code; it seems to have amounted almost to enthusiasm. Two Special Sessions were held in the years 1827 and 1828, "for the sole and only purpose of examining and re-enacting the revision "of the Statute Laws." The Members of the Senate and Assembly formed themselves into select committees for considering the different chapters of the Code, and the results of their deliberations were afterwards referred to joint committees of the two Houses; and the revisers both acknowledge the value of the assistance which they derived from the committees and "individual mem-"bers of the Legislature, who brought to the task the various and practical "knowledge so essential to the perfection of the work, and who with unwearied "diligence devoted their time and labour to its completion," and also admit that they "would have sunk under the weight and responsibility attached to "a work so novel in character and so vast in importance, had they not been "sustained and cheered by the ready co-operation of the Legislature."

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* At the end of this paper will be found extracts from two pamphlets by Lord Brougham, containing valuable suggestions on most of the points here enumerated, which his Lordship has kindly permitted me to reprint; and I gladly avail myself of the opportunity of stating that Lord Brougham thought that in the main the scheme I proposed in my Second Report was practicable and proper to be adopted, and that Lord Lyndhurst also considered that the plan laid down was satisfactory.

It is unnecessary to point out how vain it is to expect that an overworked Legislature, like that of Great Britain, not a mere State Legislature, but incumbered with the duties and engrossing interests of imperial legislation and national politics, and, moreover, notoriously indifferent to all considerations except those which are called practical, will be prevailed upon to devote, like the Legislature of New York, two or more Special Sessions to such a task, or to work upon it at all with anything like the vigour and unanimity, without which it is evident that the New York Code would not have been completed. Again, one of the greatest obstacles to the promulgation of a complete Code in this country scarcely existed at all in the case of New York: in that State there was, I apprehend, a far greater unanimity of public opinion on all the subjects included in their Code than can be hoped for here; partly because of the much more limited range of the objects of the merely domestic Legislature of a State, as compared with those of an imperial Legislature; and partly because the differences of opinion on political and social questions prevailing in this country are far more fundamental than those prevailing in the State of New York.

Thus, it happens that as regards very extensive and important branches of our Statute Law, and branches, too, which as regards their present formal condition, require re-arrangement as much as any, the experiment which has succeeded in New York supplies no precedent on which we ought to rely. If we should attempt to codify the law on any of those subjects of which the principles are still in dispute between important parties, it is evident that the introduction of the Code would be made an opportunity for urging the re-consideration of the whole question, and a party warfare would arise which would entirely stop the progress of any Code.

This observation would be true even if a Code were to contain nothing but the existing law re-arranged, without alteration or addition; and the objection becomes still more serious, if in framing such a Code alterations of the law were to be introduced; while, on the other hand, it would be very unreasonable to neglect such an opportunity of improving the law where improvement appears to be required.

It is only necessary to allude to such subjects as the Established Church in all its relations with the State; the whole of the law regulating our intercourse with foreign nations and our colonies; the laws of property, so far as they are supposed to have an aristocratic tendency by one party, and a democratic tendency by another; the laws relating to the representation of the people in Parliament; the punishment of death; the law of partnership—all of them subjects which, owing to difference of circumstances, presented no difficulties, or comparatively small ones, in the State of New York—to show that the propriety of an attempt to codify at once our whole Statute Law is not proved by a reference to what has been successfully done in that State. In fact, a branch of the law of any extent or importance is hardly to be found which does not involve some difficulties of the kind now referred to; even the subject chosen by Mr. Rogers, the laws regulating the relations between masters and their servants or workmen, raises (as will be seen) questions on which radically different opinions are entertained.

I may add another observation. In New York it appears that the idea of a Code was welcomed as a boon both by the Bench and Bar, as well as by the public, and in consequence of this goodwill I imagine that the Code on its production was construed in a liberal way, as declaratory of the law, and with a dis-

regard for minute objections founded on the letter of the text, provided the general intention of the enactments could be sufficiently ascertained. Now, I think that in this country there is, on the contrary, a disposition to close and severe criticism of everything that is suspected of being "doctrinaire," and a desire rather to find a defect in a Code than to assist it by broad and liberal interpretation; and though, as far as I can judge from a general view, the New York Code is a work of very high merit, yet I cannot help suspecting (at least, if the few points in it which I have examined more closely are fair specimens of the whole) that even this would not be able to stand against the pressure of such minute and severe, if not hostile, criticism on the part of the legal profession as has been applied to the few attempts in this direction that have hitherto been made in this country. In fact, it is hardly to be hoped that any Code could; and if the apprehension of an opposition of this kind ought not to deter from attempting a reform altogether, it certainly makes it more prudent to proceed with caution and by degrees.

It appears to me, then, that the success of the New York experiment, however incontestible, is chiefly valuable to us at this moment, not as an example to be forthwith imitated, but as an encouragement to proceed in a course of gradual improvement and consolidation of the law, with a reasonable hope that in so doing we are preparing materials from which a systematic Code may one day be compiled. I have already stated my conviction that the law is at present in such a state that some such preliminary process is necessary before it is fit to be arranged in a Code; and in my Second Report I also adverted to a fact which is worthy of particular notice, that the New York statutes had themselves been partially revised and consolidated at least twice (in 1801 and 1813) before the present Code was framed. Thus, if any necessity exists for imitating exactly the proceedings of the State of New York, it appears that we shall in fact be doing so by adopting the course which I have already proposed to your Lordship as the most practically useful.

The foregoing considerations respecting what may be termed the habit of the judicial mind in this country raise practical questions of great importance as to the principle on which the enactments of the Legislature ought to be framed. It can hardly be doubted that the verboseness and minute enumeration of particular cases which are characteristic of our Statutes, and are so contrary to all abstract principles of scientific expression, have been to a great extent caused by the tendency of the Courts to narrow and technical rules of construction; that is to say, draftsmen have written under the impression that wherever general or abstract terms are used there is a disposition rather to exclude particular cases from the operation of such terms than to include them, and have consequently either abandoned the attempt to make their enactments in general and abstract terms at all, endeavouring instead to provide specially for every possible contingency; or have felt it to be necessary, even if using general terms in the first instance, to add qualifications and explanations for the purpose of preventing possible evasions by narrow construction from the effect of the intended enactment. Whether this practice is on the whole defensible, or whether it is possible to draw satisfactory Statutes on such a plan, I am not at this moment considering, but only pointing out the causes of the verbose style of legislation now in common use; and certainly when a draftsman finds that it has been gravely questioned by a Court of Law whether a *dead* turkey can be properly described as "a turkey," and whether an Act relating to convictions for stealing "horses" includes a conviction for stealing *one* horse, one can hardly wonder that he should give up all

attempts at doing more than enumerating to the best of his ability all the particular instances he can think of, and stopping by express enactment all the misconstructions which it seems to him possible that perverse ingenuity may apply to the language which he employs.

This style of legislation necessarily reacts on the practice of the Courts in matters of construction; and the result is, that there seems to be at present a certain unwillingness, if not inaptitude, on the part of the Bench to do justice to statutes which attempt to enunciate principles of law in a very general and abstract manner. I think the tone and general character of the comments which have lately been made by the Common Law Judges, on the Bill for consolidating the Criminal Law which was brought into the House of Lords last Session, justify me in expressing this opinion; whether those comments are altogether just and well founded, it does not become me to inquire; but even the expression of an instinctive mistrust, unsupported by reasons, on the part of a body possessed of such great experience, is an important fact which cannot safely be disregarded by the practical legislator on purely scientific grounds.

The drafts of new statutes on wills and on apportionments, contributed to the present Report by Mr. Brickdale, afford materials for considering the relative advantages and disadvantages of the two principles of drawing above adverted to. These drafts contain an attempt to express the law in the most abstract and general propositions, to an extent which has not I think been ventured on in any Act hitherto placed in the Statute Book. In his introductory paper Mr. Brickdale has pointed out some reasons for supposing that Acts framed on this system, though apparently obscure, will be more easy and simple in their application to individual cases as they arise than might be supposed on a first perusal; and it is proper to remember with reference to the Statute of Wills, that the contrary system has been tried with every advantage, and yet found deficient; for the Wills Act of the 7 W. 4, and 1 Vict. c. 26, is notoriously imperfect in many respects; and yet that Act was mainly founded on the report of men of great learning and skill (the Real Property Commissioners), and, moreover, in its progress through Parliament, was discussed and considered with the most scrupulous care by all the great lawyers of the day. And it should also be observed that these Bills by Mr. Brickdale, though they afford an opportunity for considering the propriety of the course adopted by him, are not a fair test of its value, because, in respect of the execution, they are much more likely to be imperfect than the Act for which they are substituted, which was prepared with the assistance of so much more learning and experience. These Bills should therefore be considered as having been prepared not with the object of being at once proposed to the Legislature and passed into a law, but for the purpose of calling attention to the question of the most proper mode of framing statutes.

With respect to the process which I have above mentioned as the first employment for a permanent Board, it is perhaps advisable to repeat here what I have already stated in my Second Report, that in speaking of the gradual consolidation of the statutes, I have always included the idea of amendment of the law; and I have also included the idea of the incorporation of some portions of the Common Law in those cases in which such incorporation would enable the draftsman to make his Consolidated Act a complete chapter of the law on the subject treated of.

I think it would be sacrificing the chief real benefits which are to be expected from consolidation to merely formal considerations, if the draftsman were

to be precluded by any strict rule from producing the best Act he could devise on the subject placed in his hands.

I should observe that, in speaking of the New York revised statutes, I have used the term Code, because the work in many instances embodies portions of the Common Law, but that it does not profess to do what was proposed in the Bill before the Lords last Session, containing a Digest of the Criminal Law, namely, to make a complete Code both of Statute or Common Law, repealing and superseding all former law on the subject, but only to take the Statute Law and such parts of the Common Law as could not conveniently be separated from it.

With reference to the Seventh of the above recommendations, I would also add a few words to what I have already said in the former Reports. I am aware that it has been said that a consolidator is not only not to alter the law, but is to preserve the very words of the old statutes, in order not to disturb existing decisions founded upon those words. Now, with respect to a few statutes, like the Statute of Uses and the Statute of Frauds, which have become the nucleus of an immense amount of law created by judicial interpretation, this consideration ought perhaps to lead us, at least for the present, to leave such statutes altogether untouched; but I own that I am unable to understand what is meant by a consolidation, which is to preserve unaltered the exact language of a group of Acts: if the language is not to be altered, nothing can be produced but a *copy*. By consolidation I understand a complete re-casting of the matter. Again, as to the introduction of alterations of the law, it is true that in theory alteration of the law is the business of the legislator alone; but, practically, we must assume that when he employs a consolidator to prepare a Bill for him, the legislator gives the draftsman a warrant to amend the law at the same time, taking care, however, that his proposed alterations are pointed out. Any one who is competent to consolidate a group of statutes is competent also to suggest improvements, and is in reality better qualified to do so, by the very process of consolidation, than any one else; and, in practice, the only way of submitting improvements of the law to the Legislature is in the form of a Bill. Besides, pure consolidations of the Statute Law would, in almost all cases, be very unsatisfactory productions; indeed, I think it would be hardly possible to find workmen of sufficient ability who could continuously carry on so toilsome and, to my mind, unprofitable a task as that of scrupulously compounding the entire effect of a set of statutes into one imperfect statute, when, if allowed the exercise of a reasonable discretion, they could make it simpler and better with much less trouble. After all, the legislator who introduces a consolidated Bill into Parliament must be responsible for it, and he will inform himself to what extent the old law has been altered.

On this point I differ from Mr. Coode, whose views on the subject will be found in his papers contributed to the First Report.

The various rules of construction applicable to Acts of Parliament are not the least among the obstacles to the establishment of a correct and uniform style in legislation. A cursory view of the collection made of these rules by Sir Fortunatus Dwarris, in his work on the Statutes, will show how many difficulties the framer of a Bill has to contend with, and how many more objects he has to keep in view than merely the expression of his meaning in simple and unambiguous language. Most of these rules, it is true, may be referred to principles which are not unreasonable (though to certain extent there has been a fashion in these as in other

matters, the Courts sometimes inclining to a stricter and at other times to a laxer mode of construction); yet I cannot but think, that if the statutes were once completely and systematically revised by persons of sufficient skill and experience, it would be found that one general and broad principle of construction might with safety be adopted. This subject has been considered by Mr. Anstey, and it will be seen that he has contributed to the present report the draft of a bill for altering or repealing many of the existing rules of construction.

Passing from these general considerations to the actual employment of the present Board, it now becomes my duty to lay before your Lordship a statement of what has been done by my colleagues since the date of my First Report.* In my Second Report I submitted to your Lordship that I proposed, "That the residue of "the year to which the appointment of the Commission was limited should be "employed in preparing Bills on the principles which I had suggested; and that "several such Bills were actually in the course of preparation by the different "members of the Commission." I have now received from Mr. Anstey, Mr. Brickdale, and Mr. Rogers the Bills which I then referred to, together with some other communications, the whole of which are appended to this Report.

These Papers form the work produced by those gentlemen since the completion of their contributions to the First Report, except that Mr. Rogers devoted much time to the preparation of the Analysis of the Statutes appended to my Second Report.

As regards the labours of Mr. Coode; I referred in my First Report to a Digest of the Poor Laws then in course of preparation by that gentleman, which it was originally intended to annex to that Report, and of which an imperfect copy was, in fact, laid by your Lordship on the table of the House of Lords, on what I considered as

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* The following is a copy of the letter sent to each of these gentlemen previously to their appointment:—

"Sir, "House of Lords, 24th March 1853.

I AM directed by the Lord Chancellor to state that it is the intention of Her Majesty's Government to proceed without delay in the work of the Consolidation of the Statute Law, according to his Lordship's announcement in the House of Lords.

"For this purpose his Lordship has obtained the assistance of Mr. Bellenden Ker, under whose direction the work will proceed.

"He proposes to obtain the services of four gentlemen under Mr. Ker, who will be prepared for one year to devote their whole time to the work.

"As the scheme is necessarily to some extent experimental, his Lordship has thought it best to confine his plan for the present to so much only as can be done in one year. The course of proceeding will be regulated by Mr. Ker under the Lord Chancellor's own immediate superintendence.

"The Lord Chancellor is authorized by the Lords of the Treasury to offer to each of the four gentlemen a sum of 600*l.* for his services during the year. The work must be commenced at the very beginning of next month; a room will be provided with two or three copies of the statutes, with stationery, &c.; but probably it will be found that the chief part of the work can be most conveniently done by each gentleman at his own chambers.

"If you should feel inclined to be one of the four gentlemen selected for this work, the Lord Chancellor directs me to say he will be happy to name you for the purpose; but his Lordship wishes you to understand that if from change of plan, or any other reason, he should choose to dispense with your services at the close of the year, you must not consider it a reflexion or in any way a hardship upon you.

"I have the honour to be,
"Sir,
"Your obedient Servant,
(Signed) "W. C. SPRING RICE."

the understanding that it was to be forthwith completed, so as to be printed and circulated with the rest of the Report. It was not, however, completed in time, and I am not aware whether it is now complete or not. I believe, however, that Mr. Coode intends to furnish your Lordship with the work at some future period.

I purposely abstain from making any detailed comments on the several contributions of my colleagues. Each of them is accompanied with sufficient explanations by the writer himself, and no further observations are necessary from me to enable your Lordship to judge both of their intrinsic value, and the proof they afford of the industry and intelligence of their authors. Only with respect to the Bill for repealing certain obsolete Statutes, I think it right, in justice to Mr. Anstey and Mr. Rogers, to state that though it was from their useful "Expurgatory List" that the Statutes in question were selected, I am aware that they would have wished a far more extensive use of that list to have been made, and to have introduced a Bill enacting or declaring the repeal of the whole of its contents, being a collection of *all* the Acts which are, for any reason, not in force;—whether repealed, expired, or obsolete. I do not propose again to enter on the question of the expediency of such a measure, having given at some length in my Second Report my reasons for dissenting from it; though I need not say that it is with both diffidence and regret that I find myself differing from those gentlemen on a subject on which their opinions are so justly entitled to respect. I, therefore, content myself with calling your Lordship's attention to the fact, that this Repealing Bill is not even a specimen of such a Bill as was contemplated by Mr. Anstey and Mr. Rogers when they prepared their Expurgatory List, but merely a selection, made by my direction, of Acts of that particular kind to which the term "*obsolete*" is popularly applied; namely, Acts which must be admitted to be in force, as they have never been repealed, but which have fallen into desuetude, and which it would be grossly oppressive to resort to now. There can be no doubt that the existence of any such statutes is a reproach, and I think, therefore, that on the whole it is advisable and proper to pass the Bill in question; at the same time I am aware of the objections (where no pressing necessity from the apprehension of actual injustice exists) of making revisions of this kind piecemeal. I am aware also that it is not from the most obvious, but from the least obvious, of the obsolete enactments still remaining unrepealed that danger is to be apprehended, so far as there is any danger at all; but to obtain a complete list of these, a minute and exhaustive examination of the Statute Book, section by section, must first be made in the manner commenced by Mr. Coode, of which an account and specimen are given by that gentleman in the First Report. Such an examination would, however, be a work requiring great labour and time; and I have already, in my Second Report, expressed to your Lordship my belief that the result of such an examination (I am speaking now of the discovery and repeal of "*obsolete*" statutes still technically in force) would not be of much practical value. It is certainly no reflection on Mr. Anstey and Mr. Rogers to say that their "Expurgatory List," completed in three or four months, however great their industry and familiarity with the Statute Book, is not (in my judgment) sufficiently full and elaborate for this purpose; besides, it only professes to notice those Acts the *whole* of which is not now in full force; though it is just as necessary to repeal obsolete provisions which are intermixed with others not obsolete, as to repeal those which stand alone.

There is of course a certain risk that the Acts enumerated in the Repealing Bill have been already repealed, either directly, or by some enactments inconsistent with

them; but even if this has occurred, the repetition of repeal, though superfluous, cannot do any harm; and, on the whole, as I have said, I think it is advisable to introduce the Bill.

I should state, to avoid misapprehension, that I do not consider that my responsibility extends to the details and execution of the different Bills prepared and submitted by my colleagues; and I may add, that even if those Bills should be found defective or unsatisfactory, (though I am far from anticipating any such judgment,) it would not prove that the plan which I propose is impracticable or objectionable, but only that the workmen employed were inadequate to the task.

With reference as well to the Consolidated Bills already prepared by my colleagues, as to any others which may be prepared by any future Board, I should propose that they should be periodically laid before Parliament, but without attempting to pass them until a general feeling in their favour should appear to exist. When such a time has arrived, it will perhaps be possible to establish some understanding which may obviate one of the difficulties suggested by me in a former part of this paper: I mean, an understanding that the Consolidated Bill shall not be made an opportunity for proposing fundamental changes in the law on the subject, but only for such amendments as are necessary to make the law complete on its present basis.

It can hardly be requisite to say anything as to the pressing necessity for putting the Statute Law into better working order, by some method or another; it is universally admitted. Twice, at least, in the course of the present Session of Parliament, it has been admitted that legislation on important subjects—Newspapers and the Church Building Commission—has become almost impossible for want of an intelligible consolidation of the existing Acts. And it must be almost as superfluous to point out that the process of revision and consolidation is more likely to be effectually performed by a regular Board, than by the unconnected efforts of the different public departments, or of independent members of the Legislature. A Bill now before Parliament affords a striking instance of how much the community would benefit by having Bills prepared by a public Board, instead of being prepared and advanced only by those whose private interests require an alteration of the law. The Bill to which I refer is one to obviate the inconvenience of the "Rule in Dumpor's Case," which makes a lessor lose the advantage of his condition of re-entry on parting with any part of the property comprised in the lease; but though this rule is of universal application, and therefore the alteration of it, if proper, ought to be universal also, this Bill only alters it with reference to conveyances to the Church Building Commissioners, because it is only to obviate a difficulty which has occurred to them that this Bill has been introduced. And this is far from the first occasion on which this same rule has been thus altered to meet particular cases by special Acts of Parliament; similar provisions are, to my own knowledge, contained in two Private Bills now pending. If the Bill now in question had been referred to a Board employed to watch the course of legislation, it would, of course, have recommended the extension of the relief to all cases, and thus have insured a practical improvement of the law of no little importance, and put a stop to all future partial legislation on the subject. While referring to partial and private legislation, I would here urge the great benefit that would be conferred by the preparation of Consolidated Clauses Acts for the use of Estate and other Private Bills. At present numerous common enactments, giving power to grant different kinds of leases, to sell or exchange estates, &c., are given over and over again at great length in every Private Act.

With reference to economy of the public money, also, I think it probable that a large saving would be effected by the employment of a regular Board for the revision and consolidation of the Statute Law, in place of the practice now prevailing, by which each public department has its Bills prepared by independent draftsmen. And with respect to the interests of private individuals, as it has been recently admitted that ninety-nine out of every hundred cases that come before the Superior Courts arise from the imperfection of the law, it is evident that the public is largely interested in its amendment. It has, indeed, been suggested that as these imperfections are the fault of the State, the State ought to contribute towards the expense of those suits which are made necessary by them.

I have the honour to remain,
Your Lordship's obedient servant,

H. BELLENDEN KER.

Lincoln's Inn,
May 31, 1854.

To the Right Honourable
The Lord Chancellor,
&c. &c. &c.

APPENDIX.

APPENDIX.

Extract from a Letter on Law Reform, to the Right Hon. Sir J. R. G. Graham, Bart., M.P., Secretary of State for the Home Department, from Lord Brougham. 1843.

The next object to be attained, is the ascertaining exactly what provisions of our Statute Law continue in force; and those which are obsolete ought at once to be lopped off as if they had been abrogated. This will of course require a compendious enactment, within the scope of which may be brought also a considerable number of provisions, which are very rarely enforced, and never countenanced by any Court; I may mention, as an instance, the penalties for not attending church, which were a few years ago drawn forth from their lurking places, to the great oppression of some persons engaged in poaching, to the great scandal of the country, and to the great injury of religion itself.

No separation whatever should be made between Statutes and Common Law provisions; and in collocation they ought to be incorporated together. But with a view to questions which may arise upon the construction of the Code, it is expedient that whatever is statutory be referred to as such, and a marginal note be added indicating the statutes from which each is taken There is no occasion to add any note of the authorities upon which the Common Law portion rests; but whatever merely becomes enacted law, from having been unwritten law, should be distinguished from what is added or now introduced for the first time. This may be easily done by a few words, or by a mark, as a marginal date.

Care should be taken to follow that fundamental maxim of didactics, that of proceeding from more simple to more complex, and never referring forwards, but always backwards. No term ought to be used which has not been curately defined, and nothing should be laid down to understand which it is equired to have read what follows.

Above all, in legislation it is of importance never to use the same word in different senses, nor ever to use different words in different places to express the same thing. This is a good rule in all scientific writings, but in law it becomes the more essentially necessary, because Courts are often guided in their interpretation by observing the Legislature's use of words in different places. And in a Code the rule becomes the more important, because all its provisions form part of one text or statute.

It is of first-rate importance that the language to be used should receive a careful consideration. There are two modes of proceeding in this respect. The language of statutes and of decisions may be translated into the vulgar tongue, and the substance of the law as laid down by those authorities, together with such few portions of the Common Law as are well known, and yet rest not on adjudged cases, may be given in that common language. Or the statutory phraseology may be retained, and the judicial phraseology of the cases, leaving only the doctrines that rest on no decisions to be couched in language, as nearly as possible, such as the statutes and the cases employ in similar matters. There seems every reason for preferring the second method to the first; but an addition is necessary; whenever the phraseology of the statutes has received a judicial construction, the terms of that construction should be substituted for the terms employed in the statutes. That this course of proceeding is the most advantageous must appear manifest, if we consider the questions which will inevitably arise upon construction. Those questions will be both narrowed in their number, and facilitated in their solution, by adhering to the language with which lawyers are familiar—the language which the Legislature has already employed—the language to which the practice of the legal profession has attached a known meaning. That wherever the Courts have adopted a language as expressing the true sense of the Legislature, that language should be preferred, it needs no argument to prove.

The last consideration that may seem to deserve attention is the form of the Digest. Here again two plans present themselves. Either a single com-

prehensive statute may be made, enacting with all the formalities of our legislation, each provision of the Criminal Law and Law of Criminal Procedure; or a Code of that Law, in both its branches, being compiled, it may be, by a single enactment, declared to be the law, and all other laws may be repealed which regard the same subject matters. I think we can have no hesitation in preferring the second of these forms, on account both of its superior conciseness and convenience. Nor is it at all without a precedent. Hardly an Import Revenue Act of late years has been passed without certain rules being laid down, either in the Act or the Schedule, and these rules declared by a single enactment to be the law, and to be taken as parcel of the Act.

Such appear to me to be the principles which should govern the preparation and adoption of a Criminal Code. That it is more easy to make propositions than to execute them, who better than myself can tell?

Extracts from a Letter from the Right Hon. Lord Brougham to the Right Hon. Sir James Graham, Bart., M.P., on the Making and Digesting of the Law. 1849.

And now beside the conclusions which I have set forth with respect to the only feasible mode of digesting our Laws, I have one very important inference to state, distinctly suggested by the whole of the foregoing observations, and by all the facts on which they proceed,—an inference, too, of a kind as practical as it is useful.

Who can survey all the ground over which I have been leading you, and not become persuaded, if he never before had discovered, that there is a fundamental imperfection in our whole course of legislation? I speak not of the principles which guide it, but of the machinery by which it is carried on. Let us but consider how this defect might be perceived and its consequences foreseen, before any experience had taught us a lesson on the subject. Let us afterwards illustrate the inferences of our reason by the lesson taught, and never more forcibly taught than during the last Session.

Our Laws are prepared by individuals, or by Boards in connexion with the Government; but there is no communication between those parties from whom the different Bills proceed. Hence, there is no guarantee whatever against the most manifest inconsistencies in their various provisions.—But again, each party has one particular object in view, and his Bill is framed to obtain that object. Hence, an almost entire disregard, not only of general principles, but of former statutory provisions. It is evidently impossible that Bills so prepared can be at all safe to pass.—But the evil stops not here. After any one is introduced it undergoes alterations, first in one House,—alterations made wholly without regard to the portions left unchanged. Then in the other House new changes are made, without any regard to the proceedings in the former. Of course, I speak only of many instances; for such want of precaution to avoid errors cannot prevail in all the alterations made. But, whoever has attended to the manner in which Bills are first framed, and then altered during their passage through Parliament, must be aware what gross blunders are committed; and that such blunders are inevitable so long as the work is prepared by various unconnected parties, without any superintendence. Thus, it has often been said, that the scissors of the draftsman make many a clause; and so does the pen of the amender. Hence, nothing is more common (as lawyers who answer cases well know) than to find one section of a statute referring to something as aforesaid, when nothing of the kind was said before; but the section had been cut out of a former Act, in which there had been an antecedent, which was not taken. Thus far the scissors; but so too of the pen.—I was astonished to find my Patent Bill of 1835, in one or two places, made wholly insensible, when it was returned from the Commons. And how? By the Members there introducing new matter wholly at variance with the old, which they left unchanged. But though much embarrassment was sure to arise in Courts of Law and Equity from this blunder, I was forced to submit, on pain of losing the Bill. In 1834, I was compelled to alter a clause sent up from the Commons, which would have suspended all the Criminal Justice of the country from the next October Sessions. The Commons were angry at their blunder being detected,

and threw out the Bill, depriving the country of a very valuable measure; for such it was, all except that erroneous portion.

Of the havoc made by careless drawing, an instance,—I admit an extreme one—is sometimes cited in that notable feat of the legislative scissors, which awarded one moiety of a penalty, namely, transportation or whipping, to the person suing for the same; and another to His Majesty, his heirs and successors.

If it be said that there is sufficient security against the discrepancies, or the oversights of the draftsmen, in the discussions of the two Houses, I would answer, first, by referring to the innumerable clauses which come yearly before those bodies. I take up the first year's Statutes that comes to my hand, those of 1833, and I find them to contain 2,600 sections, besides somewhere from 90 to 100 printed pages of Schedules; to say nothing of 195 private or local Acts, with their hundreds or thousands of sections and schedules; and this, before the Railway fever broke out; after that calamity, we saw in one Session four or five hundred Acts, with 13,000 or 14,000 clauses. The impossibility of due attention being paid to each clause in each Bill is thus quite apparent.—I would for further answer, refer to the undeniable fact that they who have the care of any Bill, are only occupied with having its main provisions carried, and take little heed to the details.—I would, thirdly, refer to the fact, staring us in the face, that the draft of the Bill is, generally speaking, to be found in the Act, with all its sins of omission and commission increased by the errors which creep in during its progress. Of these I have given instances.

But it would be endless to illustrate by the facts those inferences which seem *a priori* so manifest. I fully showed them in my statement of the case, in the Lords, 12th May 1848, on presenting the Criminal Law Digest. I showed, first, that one Statute was made constantly without looking at former Statutes on the same subject. Thus, in one Session, 1845, three Bills were passed,—all Government Bills—all dealing with matters so momentous, as Lunacy, Trade, Smuggling,* and all giving double and treble costs; although, in 1842, an Act had been passed abolishing such costs in all cases.† But the legislative memory proved to be shorter still; for not only the Acts of one Session were forgotten in another, but the provisions in one section of the same Act were forgotten in the next; the lawgiver's memory did not last from Sect. 95, giving costs to be paid by a rate; to Sect. 98, laying them upon the party.‡ Nay more, like a dotard in the last stage of mental imbecility, not only that is forgotten which has been said a few minutes before, but before the sentence ends the recollection is lost of what it began with. See the highly important Evidence Act, 8 & 9 Vict. c. 113, where the very material provision respecting documentary proof is made wholly unintelligible by this process of mental aberration.

To go no further, however, than the Diction—I took leave to state certain obvious principles which should guide the lawgiver, and indeed the author of any composition meant to be understood by others, especially if it be designed to govern others; and I showed how these principles are all violated in practice—I mean the golden rules—always to use unequivocal and plain words—never to employ one word in two senses, or different words for the same purpose—never to assume any meaning not expounded previously—never to enact by reference to other Statutes, or if you must, carefully to follow the words referred to.—As an instance of that habitual breach of those rules, in which we lawgivers live, I showed that in one Session, 1844, we had four several ways of enacting one thing, viz., that the statute should be a public Act; eight ways of providing that the Act might be altered or repealed in the Session; twelve ways of repealing other Acts: and I laid the particulars of these things in a paper on the table of the House. I then referred to an Act, of all others requiring the greatest care in its composition, the Poor Law Amendment Act of 1846 (9 & 10 Vict. c. 66.) Yet here changes are rung on the important words of time—"is," "was," "shall be," "may be," "may have been," "shall have been"; so that the Courts had found it impossible to discover what is prospective, what retrospective: and no less than three-and-forty cases were pending upon the construction of an Act only two years old. Also the intention being clearly to

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* 8 & 9 Vict. 27; 8 & 9 Vict. 23; 8 & 9 Vict. 87. † 5 & 6 Vict. 29. ‡ 5 & 6 Vict. 50.

shut out only appeals on form, giving appeals on the merits, the words used are of such doubtful sense by reference to the older Acts, that in ten years the Recorder of Birmingham had only known two appeals brought. The learned Judges are thus placed in a most painful predicament; and scenes pass in Courts singularly calculated to bring the Law and the Legislature into contempt. Such scenes are the following :—

In Rex *v.* Phillips, Rex *v.* Jones, Rex *v.* Pocock, (8 Q. B. R. 740) we find the Lord Chief Justice Denman observing, "It is impossible not to express regret that such loose language should have been employed."—"There is hardly a case respecting which doubts might not be raised." After observing that the words exclude the very cases which ought to have been affected by the provisions, his Lordship adds, "I only hope that we may have some enactment made to show us what Parliament really does mean." Mr. Justice Patteson and Mr. Justice Williams entirely agreed with his Lordship, and all joined in lamenting that the decision they were compelled to give frustrated the probable intention of the Legislature.—In another case, (Rex *v.* Recorder of Bath, 9 Ad. and El. 837,) their Lordships were obliged to decide against a right of appeal plainly intended to be given, but which was given only by reference to another Act, that did not give it; and they lamented that the Legislature had proceeded by way of reference, instead of directly telling what it meant. The learned predecessor of these same Judges, (Lord Tenterden,) in the like circumstances, when endeavouring to construe an unconstruable statute, said, "The Legislature cannot be deemed *inops consilii*, but we may lament to find it *magnas inter opes inops*."

The havoc made by the new and pernicious insertion of the Interpretation Clause, which makes draftsmen doubly careless, and introduces doubts of its own, though intended to remove all doubts, was also dwelt upon by me. Thus by the egregious absurdity of thrusting an exception into a definition, the important act requiring Registration of Joint Stock concerns, is made to exempt all Companies requiring Acts to work them. Again, the meaning affixed to words is to hold *unless where* the context points otherwise—may sometimes as in 7 & 8 Vict. c. 15, "unless otherwise *specially* provided, or that the *subject* of the context is repugnant," and yet no definition is given either of *special* or *subject*.—Again in 7 & 8 Vict. c. 122, s. 70, it is declared that the Act "shall be construed by *analogy* to the laws *in force* relating to Bankrupts, and the *practice* thereof," when no man can tell how to construe by *analogy*, or what laws at any given time are in *force*, or what is the *practice* of these or indeed of any laws.

But it is not only from inadvertency, and want of communication between the authors of legislative measures, that evil consequences arise. Worse evils may result from deliberate plans of interested parties, in their own favour.

I am sure I should never end (but your patience would) were I to detail all the facts, and to enumerate all the reasons which concur to recommend the improvement I am suggesting in our legislative system. No person, nor any department of Government, would be bound to follow the advice of the proposed Board, or to lay before it any proposed Bill. The privileges of both Houses, and of all the members of each, would remain inviolate. But a helpmate would be provided for all, both Government and individuals, and for both branches of the Legislature; a helpmate whose aid both in preparing Bills before their introduction, and in watching them during their progress through Parliament, would be altogether beyond any estimate we can form of its value. Nor is it only in preventing error, and in improving legislation that it would be of invaluable use. The mere saving of time would be incalculable; and this consideration is now become of such importance that Committees have actually been sitting to inquire how debates may be shortened, so as to render it possible to transact the business of Parliament, it being discovered that the Parliamentary sitting has but narrow limits, and that the desire of Parliamentary debate has no limits at all. I would have the private as well as public Bills subject to a like examination; and this from no distrust of my valued friends, the Chairman of the Lords and his able and learned Secretary. But surely it would be better, seeing that their veto on any clause is now regarded by both Houses as final, if the same supreme power were vested, not in a single individual, how highly qualified soever for the task, but in a responsible and irremovable Board.

I have now once more urged this important matter upon your attention, and through you upon the attention of the country. You will think me sanguine if I add that how often soever I may have been disappointed in my hope of seeing so reasonable, so safe an improvement introduced, yet I still rely on its intrinsic merits, and still cherish hopes of seeing it adopted.

Finally, I remember the maxim of one very far indeed from giving way to rash schemes of legal change,—nay, one of the greatest optimists respecting our Jurisprudence—Lord Coke—who has left to his successors this memorable saying to cheer them in their labours for Amending the Law—that no good proposal, however little acceptation it might have at first, ever failed in the end to bear good fruit.

PAPERS BY MR. ANSTEY.

MINUTE BY MR. ANSTEY.

In my Minute of the 21st July 1853 I had the honour to submit my opinion to the Lord Chancellor in favour of a complete revision of all Acts of Parliament relating to revenue, taxation, and expenditure, and their consolidation into one Great Statute, to be called the "Statute of Finance," and to be subdivided into chapters, according with the subjects which it embraced. In our Joint Minute of the 25th July 1853, Mr. Rogers and myself offered some additional suggestions to the same effect. Later in the autumn it was determined that although the work could not for the present be undertaken, as I had recommended, "upon a grand and complete scale," yet it might be commenced forthwith; and, in consequence of that determination, it was proposed that I should prepare, for the future "Statute of Finance," a "Chapter of the National Debt," and in such a form, also, as to admit of its being at once proposed to the Legislature, if that were thought expedient, in the form of a "Bill to consolidate the Acts relating to the National Debt." I very willingly acceded to the proposal so made to me, feeling assured, from the insight which I had obtained into the subject, whilst preparing the "Expurgatory List of Statutes," presented with the Joint Minute already mentioned, that there was no branch of the Statute Law more complicated in itself, and more in need of revision, and yet none less likely to be revised but by a commission like that to which I have the honour to belong, than the long series of Acts, relating to the creation, the management, and the redemption of the National Debt.

First Report, pp. 95 and 100.

Id. p. 111.

First Report p. 121.

The distastefulness of the subject is very probably the reason of the general neglect which has befallen it. Other branches of the law have, one by one, received the notice of the learned world and the Legislature. The National Debt Acts have been allowed to grow on and accumulate into their present enormity without any attempt to prune their superfluities, or to reduce order into their chaos.

It was therefore necessary to begin with the commencement, and to peruse every Act in the series, from the creation of the Bank of England and a permanent Funded Debt in 1694, and the first issue of Exchequer Bills in 1696, down to the first issue of Exchequer Bonds, in 1853, under Mr. Gladstone's Act,—a measure, which, at the same time that it added that new species to the temporary securities of the Floating Debt, carried out the principle of Mr. Goulburn's Acts of 1844, and effected a great step towards a simple, permanent, and uniform system of management for the Funded Debt. The entire series will be found to comprehend nine hundred and ninety Acts of Parliament.

5 & 6 Will. & Mary c. 20. (ss. 19–32.) 8 & 9 Will. 3. c. 6. (ss. 94–98.) 16 & 17 Vict. c. 23. extended by 16 & 17 Vict. c 132. and by c. ccxix. of the same Session. 7 & 8 Vict. c. 4. and c. 5.

The results obtained by the perusal may be very briefly stated.

All the National Debt Acts which were passed during a period of about ninety-three years from the beginning of the funding system in 1694, are Subsidy or Taxation Acts. When a supply was wanted, a new subsidy was granted or a new tax imposed, and the Act which created the impost empowered the Sovereign to mortgage it to the public creditor. To encourage the latter to lend, it was necessary that the security should be permanent; and, for the first time in our financial history, the practice of voting the taxes for long terms of years, or even in perpetuity, became the rule, and annual duties the exception. The few annual duties that were still voted, such as the land tax, the malt tax, and the sugar duties, were applied to the current payment of services within the year, and were very rarely, if ever, included among the securities for the National Debt.*

Each loan had its own security. The wine and leather duties granted in one year of King William or King George were the "fund" out of which the loan to be negotiated for that year would be paid; and if new duties were imposed in the next year, perhaps upon the same commodities, perhaps upon others, they were in like manner specially appropriated to the payment of some new loan which the Government were authorized by the same Act of Parliament to contract. If the "fund" proved insufficient, the creditor could not resort to any other "fund"

* Under the combined operation of repealing and perpetuating Acts, the number of these annual duties became gradually less, until in 1846 the last of them, the Sugar Duties, were at length made perpetual. 9 & 10 Vict. c. 63. (s. 1.)

& 6 Will. & Mary 20. (s. 16.)

mortgaged to secure the payment of other portions of the National Debt. The Government itself could not touch one "fund," superabundant as it might be, to supply the deficiencies of another. Recourse in such a case could only be had to "the next aids or supplies to be granted in Parliament," and in the event of none being granted before a given day, then to the doubtful expedient of "any "treasure or revenue belonging to or to belong to the Sovereign, not appropriated to any particular uses by Act of Parliament."

Upon the accession of Queen Anne, and again upon that of the House of Hanover, the embarrassments engendered by this order of things were such as to attract the attention of the Legislature; but no endeavour appears to have been made to deal with the mischief at its source, or to do more than to apply palliatives. The "General Fund" created in 1702, and the "Aggregate Fund," with which Sir Robert Walpole replaced it in 1714, were of a very different nature from the "Consolidated Fund" of 1787, which Mr. Pitt called into existence, and which, after the union in 1800 of the Parliaments of Great Britain and Ireland, was improved by Mr. Vesey Fitzgerald's Act of 1816 into the present "Consolidated Fund of the United Kingdom." The "General" or "Aggregate Fund" was a simple sum total of the overplus monies or balances, of certain "Funds" appropriated in the usual way to the security of particular creditors; and, their current claims being once satisfied, the surplus was, by the Acts of 1702 and 1714, directed to be carried into the "General" or "Aggregate Fund," and applied in liquidation of other charges, which were not so secured, or which their appropriate "Funds" were inadequate to satisfy. In particular, the "Aggregate Fund," instead of being, like the "Consolidated Fund," available for the service of the receipt and issue of the Exchequer, was in itself regarded as a further charge upon the Exchequer, and, as such, was made "redeemable by Parliament":—and, so far, it only added new complexities to a labyrinth already difficult.

1 Anne st. 1. c. 7. (ss. 20–4.)
1 Geo. 1. st. 2. c. 12. (ss. 12–32.)
27 Geo. 3. c. 13. (ss. 47–71.)
39 & 40 Geo. 3. c. 67.
56 Geo. 3. c. 98.

1 Geo. 1. st. 2. c. 12. (ss. 30., 31., and 32.)

The confusion incident to such a system was further perplexed by the very unmethodical style in which measures for the continuing, extending, or amending Subsidy Acts, and, generally speaking, all financial Acts whatever, were prepared and passed. For every case there was a special enactment; limited to the occasion, but containing a general salvo which kept alive all subsisting enactments of the kind, and even revived those that were expired; it being thought desirable, for the sake of reference, and in order to make intelligible the new law, to retain, in every case where that was possible, the old law upon the Statute Book. For instance, the "First Tonnage and Poundage" Act was invariably renewed, at the accession of every Sovereign, for his life, by a continuance clause simply referring to that Act and the subsequent amending Acts; and if—which often happened—a "Second Tonnage and Poundage" Act, or even a "Moiety," or a "Thirds of Tonnage and Poundage" Act, was passed, instead of making it a substantive measure, Parliament was contented to recite the title of the Act of Charles, and to enact that the new duties should be levied, paid, and accounted for, according to such of its provisions as were then,—in 1786 for instance,—applicable thereto.

12 Car. 2. c. 4.

8 & 9 Will. 3. c. 24.
9 Will. 3. c. 23.,
1 Anne cc. 1. and 7.,
2 & 3 Anne c. 18.,
3 & 4 Anne c. 3.,
6 Anne cc. 48., 50., and 73., 7 Anne c. 30. (s. 32.), and
1 Geo. 3. c. 1.
26 Geo. 3. c. 59.
27 Geo. 3. c. 13.

Down to Mr. Pitt's Act of 1787, not one attempt was ever made to consolidate into one Act the enactments relating to customs, excises, stamps, or taxes, nor even such of them as charged the same commodity or subject matter. I need scarcely remark, that such of the enactments comprised in the various Acts in question, as referred to the National Debt, were allowed to multiply themselves with the same wild luxuriance.

27 Geo. 3. c. 13. (ss. 6., 36., 37., 38., and 45.)

The Act of 1787, by reducing the heterogeneous mass of subsisting "Funds," of customs, excises, stamps, and taxes, into "One Consolidated Fund at the Exchequer," did much to simplify, for the time, their practical administration, and by preventing a new creation of separate "Funds" and separate charges, it removed one source of perplexity for the future. But, with respect to the much-desired reduction of the volume of the enactments, it effected very little. The bad plan,—even now not out of favour,—of engrafting the amending upon the amended Act, was then, as has been already observed, in universal use. No Act was expressly repealed by it; and the virtual repeal of one or two enactments, like the "Tonnage and Poundage" Act of Charles the Second, and a few Excises and Stamps Acts, which the adoption of provisions inconsistent with their own would have certainly operated, was rendered at best doubtful, by the insertion of the accustomed salvo of "every Act of Parliament, in force on or immediately

" before the tenth day of May one thousand seven hundred and eighty-seven, " except where any alteration is EXPRESSLY made by this Act."

A final consolidation of the Customs Acts was effected by Mr. James Wilson's Act of 1853. Attempts have been made at various intervals to consolidate the inland revenue, stamps, and taxes Acts; and however much those branches of the future Statute of Finance may now stand in need of revision, the improvement effected upon the condition in which the Act of 1787—itself so great an improvement on the pre-existing order of affairs—left the fiscal legislation of this country, is unquestionable. Considered merely as a fiscal measure, Mr. Pitt's Act, or rather so much of it as has escaped express repeal, is now obsolete. But it must never be forgotten that nearly every fiscal Act of that period contained enactments, which applied wholly and solely to the National Debt, its management, the liquidation of its produce, and the redemption of its capital; and to this general rule Mr. Pitt's Act of 1787 was no exception.

16 & 17 Vict. cc. 106. and 107. 7 & 8 Geo. 4. c. 53., 44 Geo. 3. c. 98., 43 Geo. 3. c. 99., 48 Geo. 3. c. 55., &c.

Consequently, all that portion of the 27 Geo. III. c. 13., which enumerates the charges due to the public creditor, and provides for their management and payment, will be found to have been left untouched by the framers of the various consolidation Acts, which have so long superseded its merely fiscal enactments. The course of financial change, combined with the effluxion of time, has no doubt had much effect upon its provisions on the subject of the National Debt. Yet substantially those provisions are in force. Whether in their present shape they ought to be allowed to remain in force, is a question which has here to be considered.

The Act of 1787 dealt with the National Debt as with its securities, the "Funds" of customs, excises, and taxes created by older enactments. It engrafted much, and changed nothing. Without its long recitals of the provisions of the former Acts, its own would be scarcely intelligible, and in some respects, inoperative. Hence, to continue the latter, will be, in effect, to continue the former also; and these make up, with the addition of the Act which recites them,—but without including others not expressly recited by that Act, yet comprehended in the same category,—just Forty Acts of Parliament.

27 Geo. 3. c. 13. (ss. 55. and 59.)

If that were all, consolidation even then would be an improvement. Forty living Acts of Parliament upon one and the same subject matter—especially such Acts as fill the Statute Book of the Georgian era—may be compendiously digested without injury to them in the effect. How much more so if their vitality is reduced to a corner, and all the rest of the body is a carcass! Yet such is the condition of these Forty Acts, and, generally speaking, of the whole body of National Debt enactments, commencing with 1694 and the Bank of England, continuing down to the passing in 1816 of the Act for the union of the two Exchequers, and ending with the final conversion of the South Sea Debt and Annuities in 1853. They are still in force, but only as evidences of title.

5 & 6 Will. & Mar. c. 20. (s. 19.), 56 Geo. 3. c. 98., 16 & 17 Vict. cc. 23. and 132.)

The Three per Cent Consols are founded upon one Act of George the Second, the Three per Cent Reduced upon another Act of the same reign, the Long Annuities upon one series of Acts, carried down to the middle of the reign of George the Third, and the Tontines upon another, and so forth. To repeal these evidences of title without giving an equivalent was felt to be unjust. Nothing was easier than to give such an equivalent.

The merest declaration of the existence of these charges was sufficient to supply their place upon the Statute Book, and more than sufficient upon the Stock Exchange, where a vote of the House of Commons is currently regarded as ample security for the whole of the debt, funded and unfunded. But the subject was obscure and uninviting, the equivalent was not forthcoming, the Acts relating to the National Debt were allowed to grow into their present volume, and the task of consolidation was deferred to the present hour.

In stating the results of my investigation into the National Debts Acts, I have implicitly afforded some insight into the course which my attempt to consolidate them has taken.

1. By far the greater portion of every Act in the collection consisted of provisions for regulating the subscription to the loan, and details of the like temporary kind, and expired with the occasion. That portion was either eliminated altogether, or, if used at all, was employed to explain or apply the permanent provisions where they were doubtful, and to supply their deficiency where they were silent.

2. Much of what remained had been superseded or repealed, sometimes expressly, sometimes virtually, by later enactments. These have rarely been passed over without observation, and never without appending the references to the repealing or substituted enactments. In all doubtful cases I have endeavoured to incline my opinion against the repeal.

3. No small portion of the residue consisted of superfluous or disused regulations; but these could not, with any propriety, be dealt with otherwise than as being in force. They are accordingly digested and arranged under their proper heads, for the most part without comment, although, where the desuetude of an enactment was of very long continuance, or any other peculiar circumstance seemed to justify it, I have here and there appended a sidenote recommending the entire omission of the section which embodied it, as useless.

4. Comparatively few Acts in the entire series were found to contain enactments of a permanent character, and these, when collected, proved to be not very numerous. They are embodied in my Bill under their proper heads.

5. The sole utility of many, the chief utility of all of the National Debt Acts has been already stated. It is that they are evidences of the origin, nature, and conditions of that debt. They are like so many vouchers, debentures, or scrip, of which the holders may, in case their claims are disputed, avail themselves, to prove the identity of themselves, or their credits. They are, in short, evidences of fact, and not rules of law. Under these circumstances it appeared to me that all the advantage might be retained, without allowing the Statute Book to be encumbered, and that the addition of one or two sections of a permanent, or even of a transitory character, recognizing and ratifying all present obligations and vested rights, and continuing them into the future, would entitle me to propose the total repeal of a large body of Statutes, which—that substitution once effected—could only be regarded as so much useless letterpress. It is in that view, that after extracting with as much care as I was able to bestow upon the various National Debt Acts a definition of the debt in all its branches, I have appended the sections which provide for subsisting interests; and believing that the provision so made will be found sufficient, I now recommend it by way of equivalent for the Acts of Parliament which I propose to include in a general repeal.

Bill to consolidate the Laws relating to the National Debt, Section 1., 2., 4., 44., 45., 167., 168., and 139.

A few sections are thus made to comprehend all the substance of so much of the series of Acts creating the National Debt as are now in force. But the Acts which regulate the management of that debt were less susceptible of compendious reduction, and by far the greater portion of the proposed Bill consists of provisions extracted from those enactments. Therefore not only the National Debt Acts properly so termed, but the Charter Acts of the Bank of England, those of the Bank of Ireland, the Acts which regulate the transaction of business at the two banks, or the transfer of stocks from the one bank to the other, the Acts relating to contracts for transfers, the Acts which prescribe the mode of transfer, whether to purchasers or to representatives, the Unclaimed Dividends' Acts, the Sinking Fund Acts, the Acts enabling the creation of terminable Government annuities in general, or in favour of the depositors at the savings banks or in friendly societies in particular, the Exchequer Bills Acts of every class and kind, and lastly the Acts for the enforcing by civil or criminal procedure the provisions or policy of these various branches of the same great division of our financial jurisprudence, had to be ransacked for the materials, of which my "Bill to consolidate the Laws relating to the National Debt" now presents the compilation.

The margin of each section supplies the references to the enactments which it incorporates. The same "sidenote," moreover, will be found in most instances to afford all the additional information requisite to the due appreciation of the section itself, or my object in framing it. I have as much as possible, notwithstanding the difficulties opposed by the contradictory attitude of so many enactments, refrained from making amendments. The consolidation of the existing law was the point I had to aim at, and I have very rarely, as a reference to my marginal observations will show, gone beyond that.

A grave difficulty of another kind, and which met me at the very outset of my undertaking, was one inherent in its subject matter. The system of the public securities and their management is altogether artificial, and its technicalities are hard to be understood. I have done my best to overcome a difficulty, of which, from my entire want of practical experience in such matters, I was peculiarly sensible—and, with the kind help of those best qualified to help me, I believe that I have succeeded. If I have misunderstood or misapplied the advice

and information with which they have favoured me, the correction is easy, and the responsibility is mine. In expressing my grateful sense of the valuable assistance thus afforded me at all the public offices to which I have had access, and particularly by Lord Monteagle, the Comptroller General of the Exchequer, and Mr. Ottey and Mr. Chisholm of that department, Secretary Mr. James Wilson, M.P., and Sir Charles Trevelyan of the Treasury, and Mr. Higham of the National Debt Office, it is very far from my intention to subject them to any share of that censure due to errors of a merely practical character, into which —for it becomes me to be diffident of my performance—I may have fallen, after all the pains I have taken to be right.

I can speak with more certainty of that which is within my own province. And I do not hesitate to submit my Bill to the Lord Chancellor, as containing a complete exposition of the whole body of the subsisting Statute law relating to the National Debt.

I have endeavoured so to frame it as to exclude everything properly belonging to some other division of the Statute Book; without making its provisions incomplete or its sense imperfect. But the fragmentary nature of the task rendered this a matter of no small difficulty. It was not enough to consolidate the Acts relating to the National Debt, unless they were consolidated into their proper chapters of the Statute of Finance, the Statute of Civil Justice, the Statute of Criminal Law, and the like. It was not merely a consolidation Bill, useful for a present occasion, that was required of me, but an illustration of my own idea of the course to be taken in preparing the future Digest of the Statutes; a specimen, in short, that should be equally suitable for incorporation with the Acts of the present Session of Parliament, or to become hereafter "the Chapter of National Debt" in the projected "Statute of Finance." On this subject I beg to refer to an expressed opinion in my Minute of the 21st July 1853, that "fragmentary specimens are but ill calculated to convey a true notion of the future digest," and to the reasons on which that opinion was grounded, and to which, having now tested them by experience, I continue to adhere.

First Report, p. 100.

The sense of difficulty was increased by the presence of another consideration. It has always been my opinion that the labours of a Commission like this would be lightened, and their progress facilitated, by not delaying the repeal of the effete law to the period of the completion of the new. Holding that opinion, urged, in common with Mr. Rogers, the immediate preparation of a Bill for the repeal of the non-effective Statutes, amounting to many thousands, and chronologically arranged in our Expurgatory List. Until they are swept away by one act of the Legislature, their presence on the Statute Book will be an embarrassment in the path of the compiler. His business is with the effective Statutes—not with those that have expired or become obsolete, or are not intended by the Legislature to remain in force. To be freed at once and for all, by an act of the Legislature, of the ever-recurring necessity to consult and compare these effete relics of other days, and more particularly such of them as have been, not expressly, but virtually and in fact, repealed by the Legislature itself, would be of singular relief to the labour, and advantage to the work.

First Report, pp. 93–144.

Feeling this, I could not but be also of opinion, that the more necessary the repeal, the greater the proposed benefit. In framing the National Debt Bill, therefore, I made it one of my objects to add as largely as possible to the expurgatory list of superseded Acts of Parliament. I endeavoured to leave undigested not a clause in any one of the subsisting Acts on the subject; so that there might be no pretence for retaining them any longer upon the Statute Book. In some cases, I found it easy to accomplish my purpose; in others, I was obliged to relinquish it: in others, I succeeded with more or less of difficulty. I need not explain how greatly all this added to the laboriousness of the task I had originally undertaken — the Consolidation of the Laws relating to the National Debt.

My course was simply this. If the Act of Parliament on which I happened to be employed contained only one or two provisions not reducible into the "Chapter of National Debt," I digested them, and laid them by; and, having done so, I entered the Act itself in the list of Acts intended for repeal. But, if the miscellaneous matter was more copious, I contented myself with extracting what was germane to my subject, and I left the rest untouched. At the end of my labour, I examined the miscellaneous fragments which I had thus collected, and I found that they naturally belonged to one or more of the following heads:—1. The Consolidated Fund and its Management; 2. Public Officers; and 3. Salaries and Pensions. I arranged them according to that

method, and the result is, that in addition to my National Debt Bill which is completed, I am able to submit three other Bills, which—though they are not, and, from the nature of their subjects, cannot be completed, but after a thorough revision of the Statute Book — are perfect so far as they go, and the adoption of which will enable the Legislature to effect the immediate repeal of eighty-four additional Acts of Parliament.

Much matter for consolidation, extracted from the Statute Book, but which, if incorporated with the National Debt Bill, would have been quite as much out of their proper place as they are under their present arrangement, was disposed of in the Manner described. But there were other Portions of the same Work which, scarcely less heterogeneous than those, yet could not be so dealt with. They were necessary to the subject. The National Debt legislation without them was impracticable, and sometimes unintelligible; and therefore, although their true position in a complete Digest of the Statute Law would not be there, I found myself compelled to place them there for the present. But I framed them in such a way as to make their future transposition to the "Chapter of Public Accounts" in the same Statute, the "Chapter of Civil Procedure" in another Statute, the various Chapters of "The Criminal Law Digest," or the "Statute of Parliament," a simply mechanical process. The Sections will have to be newly numbered, and the references to them changed; but the displacement, when it takes place, will be attended with no other inconvenience. The difference of type distinguishes the "proper" from the "fragmentary" portions. The larger type always denotes the first, the smaller the last. Those of a "transitory" character, that is to say, those of which the expiration may be probably looked for (*e. g.* the provisions relating to terminable annuities, terminable charges on the Consolidated Fund, and personal rights), or of which a reconsideration by the Legislature has been intimated or is likely to take place (*e. g.* the preamble and enacting part,—necessary now, but superfluous under a better arrangement of the Statute Book,—the system of National Debt management at the Banks of England and Ireland,—the Bank Charter Acts,—and the like), are printed in italics.

Hence, the series of bills, prepared by me for the consolidation of financial Statutes, embrace, 1. A complete "Chapter of National Debt," embracing, moreover, all the provisions which, though belonging to other and unprepared chapters of the future Digest, are not yet out of place in an "Act to consolidate the Laws relating to the National Debt," in which shape I very humbly submit that it may be laid on the table; 2. The fragment of a "Chapter of the Consolidated Fund;" 3. The fragment of a "Chapter of Public Officers;" and, 4. The fragment of a "Chapter of Salaries and Annuities;" and, as these three fragments are severally perfect so far as they go, and their enactment will enable the immediate repeal of a vast body of useless, cumbrous, and reiterating Statutes, I likewise submit them to the Lord Chancellor as proper measures to receive the sanction of Parliament, and to become law.

A general repealing bill accompanies the others. It comprises every enactment superseded by the entire series. But as the passing of so large a repeal is impossible, unless the whole series of enacting bills are also passed, I have anticipated the very possible case of my views in that respect not being acceded to; and I have accordingly prepared a distinct repealing section for each Bill, comprising such enactments only as will be superseded by the adoption of such Bill. These separate sections will of course be omitted, if the general repealing Bill is allowed to pass; and, in that view, each of them has been treated as "fragmentary," and is denoted by small type.

If the General Repealing Bill is suffered to pass into a law, there will be swept away from the Statute Book one thousand and forty-one entire Acts of Parliament, and one hundred and five more will be weeded, of four hundred and eight sections improper to their subject-matter, and for the most part useless, where not mischievous. Of these, the number of nine hundred and sixty-three entire Acts and three hundred and fifteen sections of twenty-seven additional Acts are superseded by the National Debt Bill alone, and are enumerated in its repealing section. The Consolidated Fund Bill gets rid of sixty-eight entire Acts, and two hundred and twenty-four sections of eighty-six other Acts; the Public Officers of the Civil Service Bill of twelve entire Acts and eighty-five sections of eighteen more Acts, and the Public Salaries and Pensions Bill of four entire Acts, and forty-nine sections of twenty-two more. The apparent discrepancy between the sum of the enactments contained in these three several repealing sections, and that presented by the Bill of General Repeal, is very easily explained. There are several entire Acts included in the latter, of

which, if either of the four consolidating Bills is not allowed to pass, the repeal must be partial only; and, in one or two cases again, the same enactment is repealed by more than one repealing section.

Attaching, as I continue to do, very great importance to an early and extensive expurgation of the Statute Book, I regard with much satisfaction these practical results of my labours. The construction of a Statute of Finance will have been advanced far on towards completion, by the simple removal of the rubbish; and those whose duty it may hereafter be to superintend the work will find their labour lightened, in proportion as they are enabled to devote to it their undivided attention, and are not harassed by the necessity of searching the perplexities of forgotten and exploded systems, in quest of useless knowledge. It was never pretended by me, that any general expurgation of the Statutes at large, or of those on Finance in particular, would supersede the necessity of further Repealing Acts, so long as a consolidation of Statute Law, and its essential accompaniment, a reform in our methods of legislation, remain only in the prospect. But I insisted, and I remain of that opinion still, that whenever those great measures are undertaken upon a grand scale, and pressed forward to accomplishment, the measure which Mr. Rogers and myself have always recommended—I mean the complete expurgation of the volume, in systematic and chronological order—is the natural preliminary to the work, and that by the adoption of that preliminary, the work itself will be incalculably simplified and abridged. Nothing short of that entire expurgation will be useful. To repeal a portion only of the Acts contained in our list may have the effect of embarrassing the work of expurgation which sooner or later, in the progress of the Digest, will have to be attempted. At all events it will not further it.

On the other hand, if the wise views of the Lord Chancellor are not to be realized, and the Digest of the Statute Law is not to be undertaken, still much will have been gained, to the profession and to the public at large, from the mere expurgation of the present Statute Book. Of so many hundreds of unrepealed, yet idle or objectionable Acts of Parliament, which are enumerated in the repealing section of the National Debt Bill, now submitted to the Lord Chancellor—of the thousands of similar enactments which are collected in the expurgatory list prepared by Mr. Rogers and myself in the course of last summer—there is not one which is not now law—not one may not be at any moment revived and put in ure, to the injury perhaps of many individuals, or the commonwealth—and yet not one which is not by law "presumed" to be familiar to every individual amongst us, and the rule by which he adjusts his daily and hourly business. So long as any Act of Parliament, unrepealed and unexpired, remains upon the Statute Book, such is the case of that Act of Parliament, and such the theory respecting it. And yet how practically untrue the theory, and how anomalous the case, it needs no effort of the commonest mind to determine. If the learned Judges of Westminster Hall are heard to confess the difficulty of recollecting the comparatively few divisions of offences against the person, as classified by that Common Law which it is their habit to administer, how hard must they—how hard above all must the public—find it, to remember the names even of a fraction of so many thousand Acts of Parliament, forgotten, yet not abolished, obsolete yet effective to bind and to ensnare! *Ignorantia juris* is no shield in such matters, either to the litigant or to the judiciary. "They are bound," in the emphatic words of the late Lord Cottenham, "to know every clause in every Act that ever passed; a degree of knowledge hardly to be hoped for." So long as the existing arrangement—so to call it—of the Statute Book is persisted in, that hope must continue to be a chimera. Yet even now, much may be done to mitigate the burthen, by diminishing the size and the weight.

The Attorney-General v. the Mayor, &c. of Liverpool, 1 My. and Cr. 171, 199.

The Treasury Minute which is appended to this Report has never been printed. I obtained permission at the Treasury to copy it; and as it is repeatedly referred to in the sidenotes to the several Bills as of equal authority with the Act of Parliament under which it was issued, I thought it would be more satisfactory to publish it in this place. The importance of the publication will be at once understood, when it is mentioned that the effect of the Minute was to abolish the last remnants of the Irish Vice Treasury, to complete the Consolidation of the English and Irish Exchequers, and virtually to repeal for ever many Acts of the Parliaments of both countries, preceding and subsequent to the Union Act.

Appendix to this Report;—"Minute of the Lords of the Treasury, containing their Regulations and Orders for the Government of the Exchequer in Dublin,—9th May 1837.' Issued under the 6 & 7 Will. 4. c. 83.

For a general explanation of my mode of dealing with the financial Statutes which have been allotted to me, this statement will probably suffice. For

the details, I trust that I may be permitted to refer to the Bills themselves and to the side notes, which, in all instances requiring explanation, will be found to afford it.

I regret to think that the incessant occupation of this work, of more than ordinary labour and difficulty, has allowed me no leisure to contribute any assistance to one of my colleagues, Mr. Coode, in the very important duty undertaken by that gentleman in August last, of revising and extending as far as possible the various enactments now in force, for the interpretation of usual terms, and consolidation of usual clauses in certain Acts of Parliament. But it had been made the subject of the Lord Chancellor's express and often-repeated directions; and its importance could not be overrated. Consequently what time I could afford to the consideration of the question has been devoted to it. The result of the conclusions to which I have come is, that, whatever the measure may be by which the interpretation of what is expressed, or the intendment of what is not expressed in the future Digest, is to be ascertained—that measure must be simple, certain, and universal. In order to obtain the full advantage of the uniformity of language in the revised Statutes, there must be an uniformity in the rules of construction of Statutes; and that is not to be effected but by the Legislature.

At present the construction of an Act of Parliament varies with the jurisdiction of the Courts which have to construe it. It has one meaning in a Court of Equity, another in a Court of Common Law. But that is not all. The Court of
1 Coke. Common Law, if etymology has any value, might be expected to apply the principles of Common Law in the interpretation of an Act of Parliament, and so as "to suppress the mischief and advance the remedy" contemplated by the Act. But that is very far from being the case. Not to speak of the extravagant lengths to which those Courts have carried the jealous, but, in itself, not unreasonable, rule in restraint of the construction of penal enactments, they have added others of their own invention, for which it is difficult to discover any reason at all. There is, for instance, one rule for Common Law interpretation; there is one for Statute Law interpretation; there is a distinction which forbids the application to the latter of the liberal and common sense principles on which the first is founded. There is, again, the very recent exception to that rule of distinction,—an exception equally incomprehensible with the rule itself;—I mean the exception—recognized by some judges—in favour of the antient Statutes, so as to make the method of interpretation, in their instance, very nearly if not quite the same with that of the Common Law. But, whether so qualified or not, the distinction itself appears hardly reconcileable with its own principle, if the opinion of Lord Coke, that the Common Law itself is in great
Litt. 93 *b.* part made up of the relics of lost Statutes and forgotten Parliaments, be well founded. Nevertheless, if Littleton, after specifying "the Abbot and the Prior," concludes with the generic term, "or other Man of Religion or of Holy Church," Lord Coke immediately applies the Common Law rule of construction, and liberally remarks, that "Littleton here includeth Bishops, Deans and "Chapters, Archdeacons, Prebends, Parsons, Vicars, and such like, under these "general words *de Seint Eglise*, of Holy Church," in spite of the specific enumeration. Again, if Littleton afterwards expresses himself thus, "such man of religion," his commentator, after observing that "none but regulars or men
Litt. 93 *b.* 99 *b.* professed in any of the Orders of Religion",—that is to say, monks or friars,—"are in law said to be *homes de religion*, men of religion or religious," nevertheless adds, "And yet this case extends to all ecclesiastical persons, be they
Edw. 1. c. 41. Eliz. c. 10. (s. 2.) secular, as Bishops, &c., or regular." But if an "antient Statute," like the Mortmain Act of Westminster the Second, enumerates "Abbots, Priors, Keepers of Hospitals and other Religious Houses," or if a "modern Statute," like that of Queen Elizabeth, disabling ecclesiastics from granting improvident leases of their temporalities, begins by specifying "Colleges, Deans and Chapters,
hbishop of terbury's Case, ep. 46 *b.* Masters of Hospitals, Parsons," and ends with the generic words, "or any other having any Spiritual or Ecclesiastical Living," the same Lord Coke lays it down as clear law, that, in either case, "Bishops are not included;"—for that "the latter words do not include Bishops," and that, "if the makers of the Act "had intended to extend the Act thereunto, they would have put them in the "beginning, and not in the end after other inferiors." But, if this rule of the "Reports" be sound, that of the "Commentary" cannot be right. To me

the latter rule appears the more reasonable; but, whether that be so or no, it can answer no good purpose to have two conflicting rules of construction on one and the same subject. If that much-desired work,—the codification of the laws of England,—is ever to be undertaken, these fanciful distinctions must first be swept away, and "lex omnibus una" be recognised, as the principle to be observed, in the construction of the written and of the unwritten law, as it is in the adjustment and regulation of controversies and rights.

The highly artificial character of the rules, by which Judges have consented to bind themselves, in the interpretation of Acts of Parliament, is the principal mischief; all the rest are but accessaries. Palliatives are expedients of but a very limited application, and, even when applicable, of doubtful and transient effect; and yet neither the Judiciary nor Parliament appear to have soared above palliatives, in their quest of a remedy. When the former—struck with the general impracticability of rules of construction which they themselves had created, and yet unwilling to abandon them—attempted to narrow their operation to Statutes passed subsequently to their adoption, they introduced that other absurdity fruitful in new confusions—the distinction of antient and modern Statutes. The recent endeavours of the Legislature in the same direction have been more successful. But, again, the unreasonable fear of going too far has thwarted the design; and not only is the "Interpretation Clause," on the one hand, almost invariably limited to cases within the Act which happens to contain it, but, on the other hand, Judges are always empowered, if they think fit, to deprive the clause, even so limited, of all its operation, by discovering in "the context" something or other which is "repugnant to or inconsistent with" the sense as declared by the Legislature. It is a power which ought not to be lightly entrusted to the Judicature; and there is the less reason for it in this instance, because it will always be easy for the Legislature, if they really do not intend the application of the general rule to any particular case, to make an exception of that case, but to do so in clear and express words. Draughtsmen of Bills in Parliament have no right to require their meaning to be inferred or guessed at, and still less to have their "context"—a large term—brought in to contradict the plain and obvious import of their own words, and, what is more, their own express definition of that import.

In framing the "Heads of a Bill" in nineteen sections, "for the Interpretation of Enactments," which accompany this Minute, I have endeavoured to recast the more common interpretation clauses of Statutes, and to supply a few others, but above all, to render the rules of judicial construction more simple, broad, and uniform. The provisions are intended to be applicable to all enactments when once the proposed Digest shall have received the sanction of Parliament; and it is proposed that nothing short of an *express* declaration to the contrary shall defeat their application.

These are the general principles on which I have proceeded. For the details I beg to refer to the "Heads" themselves, and the reasons given in the side notes. The satisfactory working of Lord Brougham's and Sir John Romilly's Act of 1850 encourages me to hope much good also from this new experiment in the same direction, should it ever receive the sanction of Parliament.

13 & 14 Vict. c. 21. "An Act for shortening the Language used in Acts of Parliament."

T. CHISHOLM ANSTEY.

Statute Law Commission Office,
23d February 1854.

Appendix to Mr. Anstey's Minute.

Minute of the Lords of the Treasury containing their Regulations and Orders for the Government of the Exchequer in Dublin, issued under 6 & 7 Will. 4. c. 83.—9th May 1837. (4th Division.)

My Lords read the Act 6 & 7 Will. 4. c. 83., entitled, "An Act for the better Regulation of the Offices of Vice-Treasurer and Teller of the Exchequer in Ireland," and proceed to consider what regulations and orders it will be proper to issue under the authority vested in this Board by that Act, in order to give effect to the intentions of the Legislature, "that "with a view to the advantage of the public service, it is expedient that the receipt and "issue of all monies forming the public revenues of the United Kingdom should be placed "under the control and superintendence of this Board; and that further and more effec-"tual regulations should be made in respect of the public monies in Ireland, and also in "respect of the offices of Vice-Treasurer and Teller of the Exchequer."

After the fullest and most mature consideration of this very important subject, it appears to my Lords that the course which will be most conducive to the interests of the public will be, to place the control and management of the receipt of the public monies into, and the issue of such monies out of the Exchequer in Ireland, under the direction of the Comptroller General of the Exchequer (appointed by the Act 4 & 5 Will. 4. cap. 15., entitled, "An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster") in the same manner as the receipt and issues of public monies into and out of the Exchequer at Westminster are placed under the control and management of that officer; so that the public service in all parts of the empire may in that respect be subject as nearly as possible to the same regulations, and placed upon the same footing—such rules and orders being issued by this Board, under the authority vested in them, as may be necessary for the government of the Comptroller General of the Exchequer, in so far as regards the duties proposed to be transferred to his office. By this arrangement, the control of the Board over the issues of public monies from the Exchequer in Ireland will be fully provided for, since no issue can then take place except under specific directions from the Lords of the Treasury to the Comptroller General; while at the same time the most entire security will be attained that no issues will be made except in strict accordance with the votes or Acts of Parliament, because it will be the duty of the Comptroller General to take care that no orders for the issue of money from the Exchequer in Ireland are obeyed, unless founded upon due authority, in the same manner as he now exercises the like control with respect to the issues of money out of the Exchequer at Westminster.

It will also have this further advantage, that it will tend to simplify the accounts of the Treasury and Exchequer by bringing the whole of the receipts and payments of the United Kingdom into one account, as well as under one management, and will besides enable my Lords to make a more economical arrangement for carrying on this branch of the public service, by the entire abolition of the present establishments of the Vice Treasurer and Teller of the Exchequer in Ireland, and the appointment of a reduced establishment to discharge the duties to be performed in Dublin.

The establishments of the Vice-Treasurer and the Teller of the Exchequer in Ireland being abolished, and the duties proposed to be transferred to the Comptroller General of the Exchequer having placed under his management, provision must be made for the following duties in Dublin, viz.:—the payment of salaries, allowances, and other charges in detail to the parties entitled to receive them, and the charge and custody of the records of the abolished office of Auditor General of the Exchequer in Ireland. And to make such provision for the execution of the first-named duties in the manner most nearly analogous to that which was sanctioned by Parliament with respect to the Exchequer in London—it will be necessary to create an office of paymaster, with such an establishment of clerks and messengers as may be required for the purpose.

The Acts relating to public works in Ireland, under which Exchequer Bills are issued for such services, require the Comptroller General of the Exchequer at Westminster to deliver such bills to the Teller of the Exchequer in Ireland, or to some person appointed by him; and my Lords are not at present empowered by any Act to authorize the Comptroller General to deliver the Exchequer Bills to any other officer. It is therefore necessary to continue the appointment of Teller for this specific duty, and as this will be the only duty he will have to discharge, their Lordships are of opinion that the paymaster should be appointed Teller of the Exchequer for this specific duty, but without any salary as such.

In the Bill now before the House of Commons relating to public works, Ireland, a clause has been introduced, to give power to this Board to appoint such person as their Lordships may think proper to receive the Bills issued for public works, Ireland, for the Exchequer. If that Bill shall pass the two Houses of Parliament, and receive the Royal assent, my Lords, by appointing the Paymaster of Civil Services to perform the duty, will be enabled entirely to abolish the office of Teller of the Exchequer in Ireland.

The Lord Lieutenant of Ireland having stated that he sees no objection to the measures proposed by this Board, and the Comptroller General of the Exchequer having signified

his consent to undertake the discharge of the duties intended to be transferred to him—my Lords desire that the proper warrants may be accordingly prepared for transferring such duties to his office; for altogether reducing the office of Vice-Treasurer; for reducing the office of Teller of the Exchequer (except in so far as such office must be continued as above stated for the receipt, safe custody, and issue of Exchequer Bills, under the Acts 1 & 2 Will. 4. cap. 33., and 6 & 7 Will. 4. cap. 108., relating to the public works in Ireland); and for constituting an office of Paymaster of Civil Services in Dublin, to discharge the duties of paying in detail the salaries, incidents, allowances, and charges heretofore payable in detail at the Exchequer in Dublin, and to take charge of the records of the ancient and abolished office of Auditor-General of the Exchequer of Ireland, now in the custody of the Vice-Treasurer, which must, for the advantage of the public service, remain deposited in Dublin.

My Lords now proceed to prescribe the regulations which, in their judgment, should be issued for carrying on these services in future.

It appears to their Lordships that the course pursued with respect to the Exchequer in this country should be adopted as nearly as possible.

That a new account should be opened in the books of the Bank of Ireland, to be styled the "Account of His Majesty's Exchequer."

That the whole of the payments made by the several revenue departments should be carried to that account, and that no transfer should be at any time made from it by the Bank, either to the account of the Paymaster of Civil Services about to be appointed, or to any other account whatever, except upon an order to that effect proceeding from the Comptroller General.

That all such monies, whether paid into the Bank by the officers of the revenue, or remitted to the Bank on account of the revenue, either through its own branches or the branches of the Provincial Bank of Ireland, should be placed at once to the credit of that account; and that a certificate should be transmitted from day to day by the cashiers of the bank, under their signature, to the Comptroller General of the Exchequer, showing the amount lodged at the credit of the account of His Majesty's Exchequer from day to day; the returns now rendered by the bank to the several revenue departments continuing to be made in the same form and manner as at present, with this exception only, that they should be transmitted daily as the lodgments are made.

It will be the duty of the proper officers of the Customs, Excise, Stamps, and Post Office in London to render daily to the Comptroller General a statement of the lodgments so made in the Bank of Ireland to the credit of the Exchequer account on account of these respective revenues, prepared from the documents remitted to the revenue departments by the Bank of Ireland; and they will receive from the Comptroller General of the Exchequer a discharge for the amount so paid in, as soon as he has ascertained that the amount stated by them corresponds with that certified to have been received by the bank.

The Comptroller General of the Exchequer will upon these documents raise the charge in his books, as to the amount of revenue so paid in by the several revenue departments in Ireland.

My Lords prescribe this course because it would obviously not be possible to adopt, with respect to the Exchequer at Dublin, that regulation of the English Exchequer which directs that no money shall be paid to the bank without the production of a specification paper previously prepared at the Exchequer.

No inconvenience attends the English practice, because the revenue offices and the Exchequer being situated at no great distance from each other, the specification paper can always be prepared, and the transfer made at the bank, from the account of the revenue to that of the Exchequer on the same day; whereas if it were required that such specification paper should be prepared, in every case, before a payment could be made to the Exchequer account in Dublin, a very considerable delay would unavoidably occur; while the accuracy of the payments, and the knowledge of the proper heads of revenue to which the amounts are to be carried will be entirely secured by the course proposed by my Lords.

In addition, however, to the payments which will be made to the account of the Exchequer at the Bank of Ireland by officers and departments of the revenue, other monies will probably be payable to the public by individuals, on account of balances of declared accounts, repayments on account of advances for tithe, &c., in sums of small amount.

In cases of this description, it appears to my Lords that the course most convenient to the parties, and that which will afford the greatest facility for ascertaining the accounts to which such payments should be carried by the Comptroller General of the Exchequer will be, that they should in the first instance all be made to the account of the Paymaster of the Civil Services in the Bank of Ireland; and that a notification should be given to him in each case by the party desiring to make the payment, stating the grounds upon which such payment is to be made; that he should thereupon furnish to the party an order to the bank, in the same manner as in England, to receive the amount to the credit of his account (the bank being at the same time instructed to receive no such payments except on production of such order), and deliver an acquittance for the amount to the party having made the payment, in exchange for the receipt of the cashier of the Bank of Ireland. It is the intention of my Lords, that the acquittance so given by the Paymaster shall be of the like force and validity as the acquittances now given by the Teller of the Exchequer.

It will, of course, in all such cases be necessary that the Paymaster should charge himself in his books with the amount so paid in; and my Lords are of opinion that the amount of all the payments of this description which he may receive in the course of each week, should be transferred by him on the Wednesday and Saturday of every week from his account to the account of the Exchequer, transmitting at the same time to the Comptroller General a statement in detail of the several sums making up the aggregate account transferred, and taking the necessary credit in his accounts. The Comptroller of the Exchequer, on receiving this statement and comparing it with the certificate, which will have been forwarded at the same time from the Bank of Ireland, will carry the several amounts to the proper heads in his books, and transmit to the Paymaster his acknowledgment, which will form the Paymaster's acquittance with the Commissioners of Audit.

Under the authority of the Act 56 Geo. 3. cap. 98. the whole of the issues from the Exchequer in Ireland have been heretofore made by warrant of the Lord Lieutenant or the Vice-Treasurer, with the exception of the issues for the constabulary, which, since the passing of the Act 6 & 7 Will. 4. cap. 113., have been made by warrant from this Board; but my Lords being of opinion, as already stated, that no issue should be made from the Exchequer for services in Ireland, except in the same manner as for services in Great Britain, that is, under the direct and immediate authority of this Board, it is their Lordships' intention that the Comptroller of the Exchequer shall not, from the day when the control and management of the Exchequer in Dublin is transferred to him, make any issue, except upon warrants which my Lords will grant from time to time as may be required for the public service.

These issues from the Exchequer in Dublin may be divided under the following heads:

1st. The dividends upon the Public Funded Debt.

2d. The fixed and periodical charges for salaries, allowances, annuities, and allowances to county infirmaries, &c., chargeable on the Consolidated Fund.

3d. All other charges on the Consolidated Fund, and not repaid to the public.

4th. The advances to county treasurers and others, repayable, either wholly or in part, by Grand Jury presentments or otherwise.

5th. The payment for miscellaneous services, voted upon estimates in supply.

6th. The remittances from the Exchequer account in the Bank of Ireland to the Exchequer account in the Bank of England.

With respect to the dividends payable at the Bank of Ireland on account of the National Debt, it will be necessary that the Commissioners for the Reduction of the National Debt on the one hand, and the Bank of Ireland on the other, shall, before the termination of every quarter, furnish to this Board the certificates of the sums falling due at the commencement of the succeeding quarter, in the same manner as that information is now furnished by them to the Vice-Treasurer. My Lords will thereupon direct the Comptroller-General to make the necessary imprest to the Bank of Ireland, in the same manner as is now practised with respect to such payments at the Bank of England.

The fixed charges on the Consolidated Fund for salaries, allowances, annuities, county infirmaries, &c., which are now paid in detail by the Vice-Treasurer and teller, at stated periods, will be paid hereafter by the paymaster to be appointed for the discharge of that and other duties. It will be necessary that schedules of all such charges, specifying in detail Parliamentary or other authority under which they are paid, shall be forthwith prepared by the Vice-Treasurer and transmitted to this Board—such schedules being so made out as to show the condition, if any, which may apply under the original grants to any of these charges, in order that due care may be taken that such conditions are strictly enforced.

Wherever any of these payments have been heretofore charged with fees carried to the public account, it appears to my Lords that the same course should be taken as was followed in this country, viz., that the salaries or allowances, pensions or annuities, should be reduced to the net sums which have been received by the parties, and that the fees should be no longer collected. By this arrangement the account will be simplified, while the parties will be placed in precisely the same situation as at present.

The paymaster must transmit to this Board, not less than ten days before the end of every quarter, a schedule showing in detail the several payments under the above class of services then falling due, accompanied by a statement of the differences, if any, whether from death or otherwise, between such schedule and the schedule of the previous quarter, and my Lords, after a comparison of the quarterly schedules with the original establishment, will direct the issue of the money, and return the schedule to the paymaster, in order that he may pay the several parties.

To enable my Lords to provide for the payments on account of post roads, and other services charged on the Consolidated Fund, the amount of which fluctuates from quarter to quarter, their Lordships are of opinion that an estimate of the amount which will probably be required under each head of service, setting forth the Parliamentary authority under which the issue will be called for, should be transmitted to them not less than ten days before the expiration of every quarter; and as such information can only be furnished by direction of the Lord Lieutenant, my Lords request his Excellency will issue such instructions to the proper persons acting under his authority, as will enable the Chief Secretary to prepare and transmit such an estimate to this Board,

The amount of that estimate will be charged by my Lords on the Consolidated Fund for the quarter, and imprests made thereafter by the Comptroller-General of the Exchequer

to the Paymaster of Civil Services in Dublin, or to the Commissioners of Public Works, or to any other public officer, as the case may be, to enable them to pay such services from time to time, on application from the Lord Lieutenant to my Lords for that purpose.

In like manner my Lords are of opinion, that, before the termination of every quarter, an estimate should be furnished to them in the same manner as such an estimate is now transmitted with respect to the constabulary, of the several advances which may probably be required during the ensuing quarter on account of advances to county treasurers and others, repayable by Grand Jury presentments or otherwise; and my Lords will, on subsequent application of the Lord Lieutenant, direct that the necessary imprests be made to the proper public accountant to defray such services. In order to enable my Lords to judge of the propriety of the imprests to the Paymaster or other public accountant when the imprests are applied for, it will be necessary that each requisition from the Lord Lieutenant should be accompanied by a statement of the grounds upon which it is proposed that the payments should be made; of the terms and conditions as to repayment upon which advances are recommended; and by a reference to the Act or Acts by which the issue from the Exchequer is authorized.

My Lords are aware that cases of an unforeseen nature may arise in the course of a quarter requiring the immediate issue of the public money, and will provide for that necessity; but they think that, as a general rule, the same regulation which prevails at the Exchequer in England should be adopted with respect to the issues for Irish services, and that they should be furnished before the termination of each quarter, with the estimates above referred to.

The payments for services voted annually in supply will be made by the Paymaster of Civil Services, either in detail where they are now made in detail by the Vice-Treasurer and Teller, or by making imprests to those public accountants to whom imprests are now made.

That my Lords may be enabled to give directions to the Comptroller General for placing the necessary funds at the account of the Paymaster, they must receive from time to time from the Lord Lieutenant a statement of the Issues required to meet the services voted by Parliament for Miscellaneous Services in Ireland; and my Lords request that His Excellency will give orders to all those parties who receive monies from the Exchequer upon account, to be disbursed in detail, to frame their requisition as to show—

1st. The balance in hand when the last issue was made to them.

2nd. The amount of the last issue.

3rd. The actual expenditure up to the period when the application is made.

4th. The balance then in hand, and

5th. The anticipated expenditure, for which an issue is required.

My Lords will in like manner require from the Paymaster, a weekly account to be made up to, and including the last day of every week, shewing the balance upon the first day of the week upon every head of service, paid by him at his account with the Bank of Ireland; the amount transferred to his account by the bank on each head of service during the week; the amount received on his account during the week; the amount paid in the week; and the balance at the close.

My Lords will also request the Governor and Deputy Governor of the Bank of Ireland, to furnish them from week to week with a statement of the total balance on the last day of every week, at the account of the Paymaster, whereby my Lords will have the means of checking the accounts rendered by the Paymaster; and further, it will be necessary that the bank should transmit, daily to the Comptroller General, a statement in detail of the several amounts transferred upon orders received from him from the account of the Exchequer, to the account of the several parties in whose favour such orders have been made.

When imprests [have been made] to the Paymaster, on account of the miscellaneous services voted annually in supply, to be disbursed by him in small amounts, my Lords are of opinion that the payments in detail should be made, not on the direction of this Board, but on that of the Lord Lieutenant, signified by the Chief or Under Secretary; but that no payment be made on account of any particular service, which will occasion an exceeding beyond the imprest made from the Exchequer applicable to that service, unless the Lord Lieutenant shall signify that the case is of an urgent and pressing nature.

My Lords do not anticipate that any such pressing necessity can ever arise, except under such extraordinary and peculiar circumstances as would occasion injury to the public service, by delaying to make the issue until the case is submitted to, and an order obtained from this Board. But in order to provide for the possible consequences of any such pressing necessity, if any such should ever arise—my Lords are of opinion, that, upon a specific authority from the Lord Lieutenant, under the hand of the Chief or Under Secretary, setting forth that public injury will be sustained by delay, the Paymaster should be authorized to make the payment for any service which may be ordered out of any money in his hands, reporting the circumstances forthwith to this Board, and that a statement of the facts of the case should be at the same time forwarded to my Lords by the Irish Government, in order that they may at once replace the monies in the hands of the Paymaster for other public services.

The interest and principal of the Exchequer Bills, issued for carying on public works in Ireland, is now paid by the Teller of the Exchequer, out of monies remitted to him from

the Exchequer at Westminster for that purpose. Under the existing arrangements the Commissioners of Public Works recover from parties the sums due on account of loans made to them, and pay such sums to the account of the Exchequer in Dublin. It is at present required, that such monies shall be first of all remitted from the Exchequer in Ireland to the Exchequer in London, in order to place them at the disposal of this Board, and of the Comptroller of the Exchequer, by whom alone arrangements can be made for paying off these bills. The amount so remitted to this country is then returned to Dublin, to be applied by the Teller in paying the interest or redeeming the bills. As soon as both Exchequers are placed under the same management, this course of proceeding will be entirely unnecessary, since by order of this Board and of the Comptroller General, the money can be applied to its proper purpose at once out of the Exchequer in Dublin, and the balance only which is required transferred from the Exchequer account in one bank to the same account with the other.

In like manner all other remittances from one Exchequer Account to the other will be made upon the warrants of the Board by orders of the Comptroller General.

It is the intention of my Lords, that the accounts of all advances to county Treasurers and others repayable by grand jury presentments or otherwise, and of all repayments on such advances, except those made through the Commissioners of Public Works, shall be kept by the Paymaster; and he will take care to open the necessary books for that purpose. All advances, except those through the Commissioners of Public Works, and except for the constabulary, will be made through him; and he will have the means thereby of charging all such payments against the proper parties. The sums repayable to the public on account of the advances for the constabulary, will be reported to him by the Inspector General, and he will thereupon raise in that respect the necessary charges against the counties.

On the other hand, all repayments by Country Treasurers on account of such advances, except those made through the Commissioners of Public Works, must be carried by the Bank of Ireland to the account of the Paymaster, in order that he may have the means of ascertaining that the repayments due have been correctly and properly made; and he will on the Wednesday and Saturday in each week, transfer the amount to the Exchequer Account, apprising the Comptroller General of the amount so transferred.

My Lords will immediately give orders to the County Treasurers to make the repayments accordingly through the Banks or Branch Banks, to the account of the Paymaster in the Bank of Ireland, and will furnish them with the necessary instructions for that purpose.

The account of the Paymaster must be kept at the Bank of Ireland as a public account, and he will be considered as a Public Accountant upon imprest. His accounts, supported by all the proper vouchers, and by the book of his accounts kept at the Bank of Ireland, shewing the receipts and payments as exhibited by the books of that establishment, must be transmitted immediately after the termination of every month to the Commissioners of Audit.

The books of account of the Paymaster must be kept upon the principle of double entry; and he will take care that all monies paid to his account by individuals, all transfers to his account from the Exchequer, and all payments made by him, are duly and properly carried in those books to the several heads of service to which they respectively belong; taking care not to blend his accounts of the grants of the year, with those of another for the same service.

He will make all his payments by checks upon his account in the Bank of Ireland, in favour of those parties to whom payment is ordered to be made, but no check will be payable by the bank unless such checks are countersigned. My Lords are of opinion, for the protection of the public on the one hand, and of the Paymaster on the other, that such counter-signature should be given by the Accountant of his office, or in his occasional absence by the Assistant Accountant. It will be the duty of the Accountant or of the Assistant Accountant, to ascertain by an examination of the proper papers, that the check has been properly prepared, and the payment supported by proper authority.

In the event of the occasional temporary absence from sickness or otherwise of the Paymaster himself, the checks on the bank must be signed by the Principal Clerk acting as Cashier, upon a power of attorney to be given by the Paymaster for that purpose.

It remains for my Lords to provide for Ordinance and Army services in Ireland, the monies to defray which are now issued through the Exchequer in London and Bank of England by remittances to the Bank of Ireland.

In all future applications from the Paymaster General for the issue to him of public money for Army or Ordnance services, it will be necessary to specify in his applications to this Board, whether the monies are to be expended in this country or in Ireland, in order that my Lords may have the means of giving the proper orders to the Comptroller General; since such issues for services in Great Britain will be made as at present, by a credit granted to him on the Exchequer Account at the Bank of England—while those for services in Ireland will be hereafter made by a transfer from the Exchequer Account in the Bank of Ireland, to the credit of his account with that bank, and all such remittances rendered thereby unnecessary.

My Lords having determined that the whole of these arrangements shall commence and take effect on Monday 15th May instant—they desire that instructions may be given to the

Vice Treasurer and Teller of the Exchequer to close their accounts with the Bank of Ireland on the 13th May, in the evening; to reserve out of the balance then in the bank at the account of the Exchequer, the amount which may be required to pay any outstanding checks which may not have been presented at the bank and all orders then deposited with them, upon which no checks on the bank shall have been issued, except all warrants for advances to be repaid, and all other warrants dated prior to the 1st January, 1836; and to transfer the whole of the remainder of the balance to the new account to be opened for His Majesty's Exchequer. The amount so reserved must be at the same time transferred to another account, to be opened in the name of the Paymaster of Civil Services, and a list of the outstanding checks must be furnished to him, together with the whole of the orders for payment which have not been acted upon, with the exceptions above stated. The Paymaster must give an authority to the bank to pay the outstanding checks on his account, and will make the necessary payments upon the outstanding orders delivered to him upon application to this Board by the proper parties.

My Lords desire that the warrants bearing date prior to 1st January 1836, may be cancelled, and that a list thereof may be transmitted to this Board They also desire that a statement may be furnished to him of the sums unsatisfied on the warrants for advances, and the warrants may at the same time be transmitted, in order that the proper directions may be given to the Comptroller-General of the Exchequer for the issue of such sums thereafter.

The Vice Treasurer and Teller must at the same time prepare and transmit to this Board, and to the Comptroller-General of the Exchequer, a statement of the sums so transferred to the accounts of His Majesty's Exchequer in the Bank of Ireland, showing to what heads of account the several component parts thereof should be carried, together with an account of the amounts remaining unissued on the several grants of Parliament, in order that my Lords may direct the preparation of the Royal orders, under the authority of which, issues will be made on account thereof.

An account must also be furnished to my Lords of the amount transferred to the account of the Paymaster and of the heads of service to meet which such transfer has been made, when my Lords will instruct the Commissioners of Audit to charge the said amounts against the Paymaster.

For the payment of such services as are defrayed out of the Consolidated Fund, and on account of which claims may arise between the 15th of May and the commencement of the ensuing quarter, my Lords provide by granting imprests to the proper parties to defray such charges, upon receiving in each case the necessary information from the Lord Lieutenant, without having for this period the previous estimate which will in future be required.

My Lords now proceed to consider what will be a proper establishment for discharging the several duties which will have to be executed by the Paymaster.

The existing establishment of the Vice Treasurer and Teller of the Exchequer, exclusively of the Record branch of the former office which is paid out of the Consolidated Fund, consists of fourteen officers and clerks, and four messengers, &c.

The charge including incidents is, the minimum 5,473*l.*, and the maximum 6,873*l.*

Upon full consideration, my Lords are of opinion that in addition to the Paymaster, an establishment of eight clerks, two messengers, and one housekeeper will be found fully sufficient to discharge in a satisfactory manner the whole of the duties, and that this establishment should be fixed in the following manner; viz.—

One principal clerk and cashier, with a salary of 600*l.*, increasing 20*l.* a year to 700*l.*

One accountant at 500*l.*, increasing 20*l.* a year to 600*l.*

One assistant-accountant at 350*l.*, increasing 20*l.* a year to 450*l.*

Two assistant clerks at 200*l.*, increasing 15*l.* a year to 350*l.*

Three junior clerks at 90*l.*, increasing 10*l.* a year to 180*l.*

One housekeeper at 92*l.*, with an allowance of 73*l.* for servants.

Two messengers at 74*l.* each.

The salary of the Paymaster himself should be fixed, my Lords think, at 1,000*l.* per annum, which, although 200*l.* per annum less than the salary of the Vice Treasurer, will, it appears to my Lords, afford a fair remuneration for the duties he will have to discharge, and the pecuniary responsibility he will have to undertake.

The charge upon the public for this establishment will be at the minimum 3,433*l.* per annum, and at the maximum 4,303*l.* per annum; being a reduction of six persons, and as compared with the existing establishment of 2,040*l.* per annum at the minimum, and 2,540*l.* per annum at the maximum.

The immediate diminution of charge will be 2,334*l.*, subject to the superannuation allowances, to be granted to the parties whose services will not be required upon the new establishment.

My Lords do not now propose to make any alteration in the establishment of the Record Office, which will therefore remain as at present.

My Lords, in conclusion, desire that attendance shall be given at the Pay-office in Dublin every day in the year, except Sundays, Good Friday, and Christmas Day, or any other day of public feast or thanksgiving, when other public offices are closed. That such attendance may be given from ten in the morning until four in the afternoon; the hour of payment closing however at three o'clock, to afford time for making up and

balancing the accounts of the day, which my Lords desire may be done invariably befor the business of the day is considered as finished. The hours of payment on Saturday to close at one o'clock, to afford the means to the Paymaster of preparing the weekly accounts, which must be despatched to this Board by the mail of that day ; and finally, that to secure a due and regular attendance, the several gentlemen employed under the Paymaster shall record their actual attendance daily, in a book to be kept for that purpose.

Write to the several Revenue departments, so far as they are respectfully concerned, and desire they will instruct their officers to act in conformity with this minute.

Write in like manner to the Governor and Deputy Governor of the Bank of Ireland, and request that they will take such steps as are necessary, so far as relates to the bank, for giving effect to their arrangements.

Transmit copy of this minute to the Comptroller General of the Exchequer for his information, and in order that he may act in conformity with the regulations therein laid down, for the government of his office, so far as relates to the Exchequer in Ireland.

Write to the Chief Secretary for Ireland, and transmit to him for the information of the Lord Lieutenant copy of this minute, and at the same time request he will move his Excellency to give such directions as may be required for carrying on the public service hereafter under these regulations.

Let the proper orders be given to the Vice Treasurer and Teller of the Exchequer of Ireland.

My Lords having, by their minute of this day, directed that a warrant may be prepared for appointing Thomas Francis Kennedy, Esq., to be Paymaster of Civil Services in Ireland, they desire that a copy of this minute may be forwarded to him, with directions to act in strict conformity with the instructions issued by their Lordships for carrying on the duties of that office.

Transmit copy to the Commissioners for auditing the public accounts, for their information.

DRAFT

OF A

BILL

TO

Consolidate the Laws relating to the National Debt.

[Note.—The Words printed in *Italics* denote Matter of a transitory or temporary Nature, and the Words printed in small Type denote Matter to be displaced hereafter.]

WHEREAS it is expedient to reduce into One Chapter all present Enactments relating to the National Debt of this Kingdom; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, in manner following, that is to say:

I. All undischarged or unredeemed Capital and other Sums, heretofore lent or advanced, or to be lent or advanced at the Receipt of Her Majesty's Exchequer, whether by Natives or Foreigners, upon the Public Credit and for the Public Service, and not hitherto discharged or redeemed, and all the unpaid Interest, Dividends, or Income thereon respectively accruing, and all unredeemed Public Annuities for Terms of Years or Lives, created or to be created by or under the Authority of Parliament, and whether issuing out of any Capital Stock or not so issuing, constitute and are One Joint Consolidated Debt due from the Public to the several Creditors thereof, and charged and chargeable upon the Consolidated Fund of the United Kingdom.

7 & 8 Will. 3. c. 10.,
8 & 9 Will. 3. c. 20.,
1 Ann. Stat. 1. c. 7.,
1 Geo. 1. Stat. 2. c. 12.,
27 Geo. 3. c. 13., 56 Geo. 3. c. 98. 3. (ss. 1. and 2.),
3 & 4 Will. 4. c. 98. (s. 9.)
4 & 5 Will. 4. c. 80.

The Term "Public Securities" is a convenient Term, embracing the unfunded as well as the funded Debts. (See *Ex-parte* The South-Eastern Railway Company, 9 Jurist, 650.)

Sections XXXIX. to XLVI.

II. The floating or unfunded Portions of the said Debt consist of, and are represented and secured by, the Public Securities hereinafter described as Exchequer Bonds or Exchequer Bills; and the funded Portions of the said Debt consist of, and are represented and secured by, the Public Securities hereinafter described as Joint Stocks or Annuities, wherein such last mentioned Portions of the said Debt respectively happen to be funded.

Sections LI. to LVI.

III. The several Public Securities in the last Section mentioned are Personal and not Real Estate; and, subject to the Provisions of this Chapter, the Laws relating to Personal Estate and the Transmission thereof by way of Gift, Loan, Sale, Charge, Testament, and Intestacy respectively are applicable to such Securities respectively.

IV. Except where by this Chapter is otherwise expressly provided, all such of the said Securities respectively as have been heretofore created or issued, and are now subsisting and uncancelled or unredeemed, are hereby confirmed and established, according to their respective Natures, Amounts, and Periods of Duration, and not otherwise, and all Interest Dividends or Income hitherto paid upon or for the same respectively shall continue to be so paid; and all Deductions and Allowances hitherto made in respect of such Securities or the Income thereof respectively shall continue to be so made; and such Securities and Income shall continue to be managed and disposed of in all respects, according to the course of Practice which hath been hitherto observed respectively in that Behalf.

Sections VI. to XI.

V. All Contracts for the obtaining or disposing of such Securities are subject to the Provisions of the Six next following Sections.

7 Geo. 2. c. 8. (s. 10.), 10 Geo. 2. c. 8.

VI. Where any Decree or Order shall have been made by the Court of Chancery, authorizing or approving the making or Performance of any such Contracts, the same may be made or performed acccording to the Terms of such Decree or Order, and with the Privity of the Accountant-General of the said Court.

7 Geo. 2. c. 8. (ss. 1. 4. and 8.)

VII. Except in the Case specified by the last Section, all Contracts wherein any Premium or Consideration shall have been given or paid, or whereby any Premium or Consideration shall have been stipulated to be given or paid for Liberty to put upon, deliver, receive, accept, or refuse any such Securities or any Part, Share, or Interest therein; and all Contracts in the Nature of a Wager, Putt, or Reprisal relating to the then present or future Price or Value of any such Securities, and all Contracts for the Delivery or Transfer or Sale of any such Securities, or any Part, Share, or Interest therein, whereof or whereto the respective

respective Persons contracting to deliver or transfer the same shall not be at the Time of such respective Contracts actually possessed or beneficially entitled, and all other unlawful Contracts relating to any such Securities, are declared to be absolutely null and void, and whatever Monies may have been paid in respect of any of such Contracts by any Person, whether a Party to the same or not, shall be recoverable by such Person by Action of Debt under Section One hundred and sixty-two, and every Person who without Covin or Collusion shall sue and with Effect prosecute any such Action shall be for ever afterwards freed and discharged from all Liability to any Penalties incurred by him, for or in respect of any such Contract, or consequential thereon.

VIII. The *bonâ fide* Lending of Money on any such Securities, and the *bonâ fide* Re-delivery or Re-transfer of the same to the Person originally delivering or transferring them, on his repaying such Money to the Lender thereof, with or without Interest for the same, are not prohibited by the last Section; and all Contracts and Defeasances for such Purposes shall be valid. 7 Geo. 2. c. 8. (s. 11.)

IX. Every Broker, or Person acting as a Broker for Brokerage, in obtaining or disposing of any such Securities, shall keep a Book called "The Broker's Book," and he shall, on the Day of his making any Contract between or on the Part of any other Persons, enter truly in such Book the material Particulars of every such Contract, and the Names of the Parties thereto, and the Date thereof; and he shall from Time to Time produce such Book whensoever thereunto lawfully required. 7 Geo. 2. c. 8. (s. 9.)

X. Every lawful Contract touching the Delivery or Transfer of any such Securities shall (subject to the Provisions of Section Six) be specifically and actually performed on all Sides by the Parties thereunto; and whatsoever Securities or Sums of Money shall be thereby contracted to be respectively delivered, transferred, or paid, shall be actually and really delivered, transferred, or paid according to such Contract; and no Money or other Consideration whatsoever shall be paid, given, or received, by or between such Parties or any of them, for compounding, satisfying, or making up any Difference for not delivering, transferring, or receiving any such Securities, or for the Nonperformance of any such Contract in any other Particular. 7 Geo. 2. c. 8. (s. 5.)

XI. In the event of either of the Parties, to any such Contract as in the last Section is mentioned, refusing to perform the same on his Part, by making, or (as the Case may be) by accepting, any such Delivery or Transfer, as in the said Section is mentioned, the other Party to such Contract (subject to the Provisions of Section Six) may, if he shall so think fit, instead of resorting to legal Proceedings to 7 Geo. 2. c. 8. (ss. 6. and 7.)

compel the specific Performance, or to obtain Damages for the Breach, of such Contract, forthwith proceed to sell to, or (as the Case may be) to purchase from, some other Person, at the current Market Price, any other Public Securities of the like kind, and of the same aggregate Quantity or Value as the Securities respectively in respect whereof such Breach of Contract as aforesaid shall have taken place; and, after such Sale, or (as the Case may be) such Purchase, to recover voluntarily, or under Process, the whole Amount of whatever Damage he shall have sustained by or in respect of such Breach of Contract and such Sale, or (as the Case may be) such Breach and such Purchase respectively, from the Party guilty of the said Breach.

Sections XIII. to XXXVIII.

XII. The making forth, Issue, Management, and Discharge of Public Securities constituting the floating or unfunded Debt, and the Payment of the Interest thereon accruing, are regulated respectively by the Twenty-six next following Sections.

48 Geo. 3. c. 1. (s. 2.) 5 & 6 Vict. c. 66. (s. 7.) 16 & 17 Vict. c. 132. (ss. 10. and 11.); where this Provision appears to be implied, although not expressed.

XIII. Until the Lords of the Treasury shall otherwise direct, the Commissioners of Inland Revenue shall cause to be provided all such Instruments or Machinery as may be necessary for the Making of Paper to be used as Exchequer Bills or Exchequer Bonds, and to receive the Impression of such Dies, Plates, and other Instruments as shall have been provided by or under the Authority of the Lords of the Treasury for the distinguishing of such Bills or Bonds; and all such Instruments, Machinery, and Paper shall be provided or made respectively under Regulations to be made from Time to Time by the said Commissioners of Inland Revenue, and by such Persons as they shall from Time to Time appoint or contract with for that Purpose; and all the said Instruments and Machinery so provided shall be kept by such Persons as they shall appoint. But all the said Paper so made shall, as the same is required, be delivered over to the Comptroller-General of the Exchequer, or to such Person as he shall appoint or authorize to receive and take Charge of the same.

16 & 17 Vict. c. 23. (ss. 1. 2. and 37.) c. 132. (s. 9.)

XIV. Exchequer Bonds are Bonds of Public Credit, made forth and issued from Time to Time at the Receipt and Issue of the Exchequer at Westminster, by Authority of Parliament, for securing to the Bearers thereof respectively Payment, out of the Consolidated Fund, at the respective Times therein mentioned, of all such principal Sums and Interest Monies as in the said Bonds shall be respectively specified, and they are redeemable respectively at the Times and in the Manner therein expressed.

XV. The

XV. The total Amounts respectively of such Issues of Exchequer Bonds, and the Terms, Conditions, and Duration of the said Bonds respectively, are regulated from Time to Time by the Acts of Parliament to be passed for authorizing such Issues. 16 & 17 Vict. c. 23. (ss. 1. 2. 37. 38. and 39.)

XVI. Subject to such Regulations as in the last Two Sections mentioned, and to the Provisions in Section Thirty-eight contained, the Methods and Forms of making forth, signifying, authenticating, and issuing such Bonds, the Manner of paying the accruing Interest thereon, and of making forth and issuing Receipts or Certificates of such Interest, to be annexed to such Bonds, or otherwise, and the Provision of new Bonds to be made forth, issued, and substituted in lieu of any Exchequer Bonds which may happen to be worn, defaced, cancelled, or lost, and the Terms and Conditions of every such Provision, shall be from Time to Time determined by the Lords of the Treasury; and the said Lords shall from Time to Time make such Regulations for the several Purposes aforesaid, and "generally for the Safety and "Convenience of the Holders of such Bonds and the Payment of such "Interest upon Production or Delivery of such Receipts or Certifi- "cates, or otherwise," or for the Conversion of such Bonds into other Bonds or Securities, transferable by Entry in a Register with the Consent of such Holders, as the said Lords shall think fit; and the Regulations to be made by them under this Section shall be, from Time to Time and as soon as possible after the making thereof, notified by the said Lords in the London Gazette for the Information and Guidance of the Public, and may be from Time to Time superseded or varied by other Regulations to be made and notified by them in the like Manner. 16 & 17 Vict. c. 23. (ss. 2. 37. and 39.)

XVII. Until any such Conversion as in the last Section is specified shall take place, and unless otherwise expressly directed by Parliament, all Exchequer Bonds to be hereafter made forth and issued, and the Interest accruing thereon respectively, shall be transferable by the Delivery of such Bonds and of such Receipts or Certificates as may be issued therewith under the Authority of the last Section; and all Exchequer Bonds to be so issued as aforesaid, and the Proceeds of such Bonds respectively shall be applied, under the Superintendence of the Lords of the Treasury, in such Manner as Parliament shall from Time to Time direct. 16 & 17 Vict. c. 23. (s. 37.) 16 & 17 Vict. c. 23. (s. 37.)

XVIII. Exchequer Bills are Bills of public Credit, made forth at and issued out of, the Exchequer, for securing to the respective Holders thereof Payment, out of the Consolidated Fund and the first Produce thereof arising and applicable to such Payment, of the Principal Monies and Interest in such Bills respectively expressed; and all such Bills are payable to Bearer, and negotiable by Delivery. 8 & 9 Will. 3. c. 6. (ss. 94. to 98.) and c. 20. (ss. 63. to 68.), 12 and 13 Will. 3. c. 1., 57 Geo. 3. c. 34. (s. 52.) Wookey *v.* Pole, 1 B. and Ald. 1.

5 Vict. c. 8. (s. 22.) And see the annual Exchequer Bills Acts.

XIX. Whensoever Parliament shall authorize the making forth and issuing of any such Bills for the Payment of Services granted by Parliament for any Year, they shall be made forth and issued accordingly, and shall contain such Principal Sums and Interest respectively (not exceeding in the whole the Amount authorized by Parliament), and shall be in such Forms, and of such Dates, and for such Terms of Payment as the Lords of the Treasury shall direct; and the same shall be charged upon and payable out of the Consolidated Fund, unless otherwise provided by Parliament.

27 Geo. 3. c. 13. (s. 58.), 57 Geo. 3. c. 48. (ss. 5 to 14.) 10 Geo. 4. c. 27. (s. 6.)

XX. Whensoever, upon the making up of any of the quarterly Accounts of the Income and Charge of the Consolidated Fund, the Income or Produce thereof shall be found deficient below the Amount required to defray the Charges thereon, it shall be lawful for the Lords of the Treasury to cause any Number of Exchequer Bills, chargeable and charged upon the growing Produce of the said Fund in the then next succeeding Quarter, to be made forth and issued for the Purpose of supplying such Deficiency; and such Exchequer Bills shall not bear any greater Amount of Interest than the Rate of *Threepence Halfpenny* per Centum per Diem upon the whole of the Principal Monies respectively contained therein; and it shall be lawful for the said Lords either to borrow of *the Bank of England, or of* the Commissioners for the Reduction of the National Debt herein-after named, upon the Credit of such Bills, any Sum or Sums not exceeding in the whole the Amount requisite for supplying such Deficiency, and also not exceeding (if the same shall be borrowed from the said Commissioners) the Amount of Monies actually standing to their Account *in the Banks of England and Ireland respectively*, in respect of the One Fourth Part of actual surplus Revenue, as provided by Section Thirty-five, or else to cause such Exchequer Bills to be paid into the said Bank to the Account of the Exchequer, as so much Cash to the said Account, and for the Purpose of having the same carried over to the Consolidated Fund; and the said Lords shall from Time to Time cause the Bills, or the Monies so borrowed as aforesaid, to be issued and applied accordingly towards the defraying of the Charges remaining unpaid by reason of such Deficiency.

Section LXVI.

9 Geo. 4. c. 92. (ss. 55 and 57.), 4 & 5 Will. 4. c. 15.

XXI. Whensoever the Commissioners for the Reduction of the National Debt shall make Application to the Lords of the Treasury, certifying that for the Satisfaction of Demands upon them lawfully made by the Trustees or Managers of any Savings Banks, Parochial Societies, or Friendly Societies, Monies to any Amount whatsoever are required by the said Commissioners, the said Lords are empowered from Time to Time to direct the Comptroller-General to make forth and

and issue "any Number of Exchequer Bills for such Sums of Money "as shall be so certified in such Application, or any Part of such "Sums," and the same shall be made forth and issued accordingly; and, for the Discharge of all Principal Monies and Interest due on such Bills, and likewise all Sums of Money (if any) advanced on the Credit of the same *by the Governors and Companies of the Banks of England and Ireland respectively*, the said Commissioners are empowered from Time to Time, as they shall think fit, to apply the Sinking Fund or the Produce of the Sale of any Bank Annuities standing in the Names of the said Commissioners, or any Monies invested *at the said Banks* from Time to Time by the Trustees or Managers of any Savings Banks, Parochial Societies, or Friendly Societies, and carried to the Credit of the said Commissioners *at the said Banks of England and Ireland respectively*, or all or any of the said Ways and Means; and *the said Governors and Companies of the said Banks* shall from Time to Time, as the said Exchequer Bills are so discharged, deliver up the same to the said Commissioners, who shall immediately thereupon cause the same to be transmitted to the Paymaster-General to be cancelled.

XXII. Except in the Cases specified in the Two last Sections and in Sections Twenty, Thirty-five, One hundred, and One hundred and one, it shall not be lawful *for the said Banks*, or for any Person whomsoever, to advance or lend to Her Majesty any Money whatsoever, upon the Credit of any Government Securities or Revenues, or in any other Manner whatever, without the express and distinct Authority of Parliament for that Purpose first had and obtained, and upon a written Application for such Advance, to be signed by the Lords of the Treasury or the Chancellor of the Exchequer, specifying the Amount required. 59 Geo. 3. c. 76.

XXIII. Whensoever* for "the Encouragement of Trade, Commerce, or the Fisheries," or for "the Improvement or Drainage of Lands," or "the Improvement of Navigation or Water Power," or for "the Support of Collieries or Mines," or for "the building, rebuilding, enlarging, repairing, improving, or fitting up of Gaols or Houses of Correction," or "Churches or Chapels," or for "the making or repair- 8 & 9 Will. 3. c. 20. (s. 63.), 57 Geo. 3. c. 34. (s. 1.), 9 & 10 Vict. c. 3. (ss. 1. and 4.), 5 & 6 Vict. c. 89., 8 & 9 Vict. c. 69., 9 & 10 Vict. cc. 4. 71. 86., 4 Geo. 4. c. 63., 5 Geo. 4. c. 36. (s. 1.); this Act is limited to existing churches and chapels;

* The Preamble to the 9 & 10 Vict. c. 83. (extended by the 9 & 10 Vict. c. 101, and 14 & 15 Vict. c. 23.) recites that "no Exchequer Bills applicable to Public Works remain to be issued under the Authority of the Act of the 57 Geo. 3. or of the several subsequent Acts, for amending and extending the same:" and it enacts that Loans of Money may in future be substituted for Loans of Exchequer Bills. It would seem, from the Language of a later Enactment (11 & 12 Vict. c. 130.), that a superior Simplicity and Convenience are causing Guarantees to take the Place of Loans of either Description. But the above Section contains the Substance of what is still the Law, even as to Cases within the Act of the 9 & 10 Vict. c. 33., and it may be thought the more advisable to continue them, since that new Power to substitute Money Loans applies not to Loans generally, but to Loans for Public Works.

7 Geo. 4. c. 30., 5 Geo. 4. c. 76, 7 & 8 Geo. 4. c. 12., 9 & 10 Vict. cc. 2. 78. 85., 2 & 3 Will. 4. c. 125., 6 & 7 Vict. c. 63., 7 & 8 Vict. c. 17., 33 Geo. 3. c. 29. 23 Geo. 3. c. 83. (s. 2.) The words within brackets [ ] are new.

57 Geo. 3. c. 34. (ss. 15., 16., 17. and 18.), 3 Geo. 4. c. 86. (ss. 13. and 14.), 1 & 2 Vict. c. 88. (ss. 5. and 6.), 3 & 4 Vict. c. 10. (ss. 5. 6. 12. and 13.)

ing of Roads," or for "the Execution of Works of general public Importance or Utility," or for "any Works of a public Nature," or for "the Employment of the Poor," or for "the Relief of Losses or Distress," or for "the Assistance and Accommodation of such Persons as shall be desirous of receiving the same," or "to enable them to pay their Debts," the Issue of any Exchequer Bills shall be authorized by Act of Parliament [or Vote of the House of Commons], such Exchequer Bills shall be made forth and issued to such Amount in Value, at any One Time (not exceeding in all the Amount by such Act [or Vote] authorized, as the Officers charged with the Application of the Monies to be raised on such Bills, shall from Time to Time certify unto the Comptroller General of the Exchequer, as being in their Judgment requisite for the Purpose or Service to which the same are applicable; and such Bills shall respectively bear such Dates, and contain such Sums and Periods of Payment as the Lords of the Treasury shall direct, yet so as that the whole Amount in Value of such Bills shall not exceed the Amount specified by the said Officers in their said Certificate; and the said Comptroller General, whensoever thereunto required by the said Officers, shall make out and transmit to their Office complete Lists of the Exchequer Bills so issued, with their respective Dates, Sums, and Periods of Payment therein respectively contained, and the Numbers of the respective Certificates in pursuance whereof such Bills were respectively issued; and the said Lords are empowered to direct Payment to be made of all or any of the said Exchequer Bills out of the Consolidated Fund.

57 Geo. 3. c. 34. (ss. 52. 53. 54.,) 3 Geo. 4. c. 86. (s. 36.), 1 & 2 Vict. c. 88. (s. 7.), 3 & 4 Vict. c. 10. (ss. 6. and 7.) But see the last note.

XXIV. In case of any Deficiency in the Monies applicable to the Payment and Discharge of any Exchequer Bills, or the Interest thereof, or any Charges or Expenses incident to or attending the making out or Application of the same, it shall be the Duty of the Lords of the Treasury, upon such Deficiency being certified unto them, to make it good out of the Aids or Supplies for the current Year, or (in case such Aids or Supplies shall be insufficient for that Purpose) out of such Monies, being Part of the Consolidated Fund, and not appropriated to any particular Use or Uses by any Act of Parliament, as shall happen to be in any Bank to the Account of the Exchequer at the Time, and to the Extent only of such Insufficiency; and the said Lords of the Treasury shall from Time to Time replace out of the first Supplies thereafter granted by Parliament, whatsoever Monies shall have been issued out of the said Consolidated Fund for the Purpose aforesaid.

48 Geo. 3. c 1. (s. 2.), 4 & 5 Will. 4. c. 15. (s. 26.), 5 & 6 Vict. c. 66. (ss. 4. and 5.)

XXV. All Exchequer Bills shall be made forth in the Office of, and signed by the Comptroller-General of the Exchequer, by the Direction of the Lords of the Treasury, and he shall issue and apply the same as

as he shall be lawfully directed by Parliament or by the Lords of the Treasury; and in the event of the Absence or Incapacity of the Comptroller General, his Duties in that Behalf shall be discharged by the Assistant Comptroller General of the Exchequer, but in his own Name; and for One Month after any Vacancy shall have occurred in the said Office of Comptroller General, the said Assistant Comptroller General shall discharge the aforesaid Duties in like Manner; but no Person holding the Office of Comptroller General, or Assistant Comptroller General, shall be competent to discharge any of the aforesaid Duties until after Notification of his Appointment to such Office hath been made in the London Gazette.

XXVI. Exchequer Bills may contain either One common Sum or different Sums in the Principal Monies, and in these and all other respects not otherwise by Law provided, the Form and Method of preparing such Bills shall be from Time to Time regulated and determined by the Lords of the Treasury; and the said Lords shall, within Ten Days after the several Days on which such Bills respectively fall due, cause an Account thereof, and of the Monies then applicable to the Payment thereof, to be taken and attested by the proper Officers.

48 Geo. 3. c. 1. (s. 2.), 4 & 5 Will. 4. c. 15. (ss. 6. 15. 22. and 26.) 57 Geo. 3. c. 34. (s. 33.)

XXVII. Every Exchequer Bill shall, before the same is issued, be numbered in its arithmetical Order in the Books of the Comptroller General; and such Order shall begin with the Number One, and so proceed in an arithmetical Progression ascending, wherein the common Excess or Difference shall always be One.

48 Geo. 3. c. 1. (s. 3.), 4 & 5 Will. 4. c. 15. (s. 26.)

XXVIII. Until the Lords of the Treasury shall otherwise direct, there shall be made out to every Exchequer Bill Two "Cheques, Indents, or Counterfoils," by the Comptroller General of the Exchequer, upon issuing such Bill; which Cheques, Indents, or Counterfoils shall be kept or otherwise dealt with as the said Lords shall direct, until Payment of such Bill, and shall after Payment thereof be destroyed.

This provision is clearly useless, and might, with great advantage be cmitted. But it embodies the enactments of the 48 Geo. 3. c. 1. (s. 7) and the 5 & 6 Vict. c. 66. (s. 6.) as explained by the 11 & 12 Vict. c. 55. See the Treasury Minute of the 22d Dec. 1848 (ss. 104 to 124.)

XXIX. The Lords of the Treasury are empowered from Time to Time to make Contracts with any Persons, whereby such Persons in consideration of being allowed such respective Rates or Premiums as the said Lords may appoint (but not exceeding such yearly Sums respectively, if any, as Parliament shall happen to direct), shall oblige themselves respectively at their own several Costs and Charges, to circulate and exchange at some Public Office therein to be specified, for ready Money, from Time to Time, all such Bills as shall be demanded at such Office during such Contracts respectively, by paying in ready Money upon every such Demand, or within Twenty-four Hours then next following, the Principal Monies of such Bills, with all Interest then owing thereon, and by taking in the said exchanged Bills respectively for their own Use; and all such Contracts shall be made in Writing under Signature of the respective Contractors, and the same shall be respectively registered when made in the Office of the Comptroller General of the Exchequer; and the said Contractors shall not by reason of the same be disabled from being elected to or sitting or voting in Parliament.

48 Geo. 3. c. 1. (ss. 13. and 14.)

48 Geo. 3. c. 1. (ss. 13 and 15.) 11 & 12 Vict. c. 55.

XXX. All Rates or Premiums payable to Contractors under any such Contracts shall, as they fall due, be paid by the Paymaster-General under the Sanction of the Lords of the Treasury.

57 Geo. 3. c. 34. (ss. 39. 51. 52. and 54.) 3 Geo. 4. c. 86. (s. 35.) 1 & 2 Vict. c. 88. (ss. 6. & 7.), 3 & 4 Vict. c. 10. (ss. 6. and 7.) The greater Part of these Provisions however may be considered as virtually useless, since the passing of the 4 & 5 Will. 4. c. 15. The 1 & 2 Vict. c. 88. and 3 & 4 Vict. c. 10. enable the Treasury to charge the Consolidated Fund unconditionally with the Payment.

XXXI. Whensoever any Monies advanced upon Exchequer Bills for any public Purpose shall be repaid *into the Bank of England*, whether voluntarily or under Process, it shall be the Duty of *the Cashiers of the Bank* to dispose of or employ the same in or towards the Purchase and Discharge of all the Exchequer Bills made out for the same public Purpose, and the Interest thereof, in such Order and at such Times as the Officers charged with the Application of such Advances shall lawfully direct them, and all Interest due on such Bills; and *the said Cashiers* shall write upon every such Bill the Date whereon the same was so purchased, and shall be allowed in their Accounts the Interest due on the same Bill down to such Date, but no longer; and after all such Exchequer Bills and Interest shall have been paid off and discharged, the Residue of the said Monies shall be applied by or under the Direction of the said Officers, firstly, in paying off and discharging all Charges and Expenses incurred by them in the Execution of their Office, and in making good unto the Lords of the Treasury whatever Monies may have been issued theretofore unto them, by or under the Authority of the said Lords, in or towards Payment of any such Bills or the Interest thereof, or such Charges and Expenses respectively; and, secondly, in such Manner as Parliament shall direct.

48 Geo. 3. c. 1. (ss. 5 and 6), 57 Geo. 3. c. 34. (s. 38.), 3 Geo. 4. c. 86. (ss. 4 and 33.), 10 Geo. 4. c. 27. (s. 7.), 7 Will. 4. and 1 Vict. c. 51. (s. 4.), 5 Vict. c. 8. (s. 17.)

XXXII. All Exchequer Bills, on and after the Days of Payment therein respectively mentioned, are lawfully payable by the Holders in part of Public Revenue, or in or towards Satisfaction of Advances of Public Monies or Bills, or in or towards the Discharge of Accounts of Public Accountants, so long as such Exchequer Bills remain uncancelled; and all Persons paying to any Receiver or Collector of Revenue, or to the Comptroller General of the Exchequer, *or at the Bank of England* to the Account of the said Exchequer, any such Exchequer Bills whilst they are so lawfully payable, entering on every such Bill at the Time of such Payment a Memorandum of the Date thereof in Writing under the Signature of the Person entering the same, shall be allowed in such Payment all Interest due upon such Exchequer Bills respectively up to and including the said Date; and Allowance of the Interest so allowed shall be granted to the Officer or Person receiving such Bill in like Manner, but no further Interest shall run or be payable on such Bill after the said Date; and every such Collector or Receiver shall forthwith pay every such Bill when so received by him into the Bank of England to the Account of the Exchequer; and the proper Officers of the said Bank shall return, transmit, or

or deliver over the same to the Paymaster General to be cancelled, and no further Interest shall run in respect thereof.

XXXIII. The Officers charged with the Application of any Public Monies advanced upon Exchequer Bills shall, upon the Request of any Persons charged with the Repayment of the same, or of any Officers charged with the Payment of any Monies raised or levied by Process for or on account of the same, sign and deliver to such Persons or Officers respectively (as the Case may be), before the respective Times appointed for such Repayment, Certificates of the respective Values, Dates, and Times of Payment of such Bills respectively, and also (in case such Monies have been raised or levied under Process) the Substance of such Process; and *the Cashiers of the Bank of England* shall by the Space of Fifteen Days or more after the said Exchequer Bills respectively become payable, receive the respective Amounts due for Principal and Interest thereon down to their respective Days of Payment, from the respective Persons or Officers (as the Case may be) producing the said Certificates respectively, and shall acknowledge such Receipts by entering Notes thereof respectively, under their Hands, at the Foot of such Certificates; and every such Certificate, when so noted, shall be delivered back to the Person or Officer producing the same, and shall be by him produced to the Officers charged with the Application of such Public Monies, to be by them attested and entered in their Books; and every such Receipt so attested shall be delivered back to the Person or Officer so producing the same; and the same and also the said Entry thereof shall be unto him a full and complete Acquittance in respect of the Monies therein mentioned. 57 Geo. 3 c. 34 (s. 51.) 3 Geo. 4. c. 86. (s. 34.)

XXXIV. All Exchequer Bills which at any Time shall be deposited by the Holders thereof *at the Bank of England* for the Purpose of being funded, in pursuance of any Act of Parliament to that Effect which may hereafter be passed, shall be from Time to Time transmitted or delivered over by *the Governor and Company of the said Bank* to Her Majesty's Paymaster General, who thereupon shall mark and cancel the same, and pay whatsoever Interest shall be then by Law thereon payable, and shall also sign and deliver to *the Cashier of the said Bank* a written Receipt for such Exchequer Bills, which Receipt shall be to *such Cashier* his sufficient Acquittance in accounting for the Exchequer Bills therein mentioned. 5 Vict. c. 8. (s. 17.)

XXXV. The Commissioners for the Reduction of the National Debt are empowered to apply any Monies standing to their Account *at the Banks of England and Ireland respectively*, in respect of the One Fourth Part of actual surplus Revenue, specified in Section Sixty-seven, in purchasing or satisfying, or lending or advancing Money upon 10 Geo. 4. c. 27. (ss. 6. and 7.)

the Credit of any Exchequer Bills whatsoever, subject, as to the Exchequer Bills specified in Section Twenty, to the Provisions therein contained; and every Bill so purchased or satisfied, or on the Credit whereof such Loan or Advance shall have been made, shall, within Seven Days next after the Expiration of the Quarter in which such Purchase or Satisfaction, Loan or Advance, shall have been made, be delivered or transmitted by the said Commissioners to the Paymaster General to be cancelled.

48 Geo. 3. c. 1. (s. 19.) 57 Geo. 3. c. 43., 10 Geo. 4. c. 27. (s. 7.)

XXXVI. So often as any Exchequer Bills shall be returned or delivered to the Paymaster General by *the proper Officer of the Bank of England, or* the Commissioners for the Reduction of the National Debt, to be marked and cancelled, the said Paymaster General immediately upon receiving the same shall mark and cancel them accordingly, and so often as he shall pay off any Exchequer Bill tendered unto him for Payment, he shall immediately mark and cancel the same; and, in every such Case, the Accounts thereof shall be immediately thereupon audited and allowed, and the Cheques, Indents, or Counterfoils thereof shall be delivered up to the Comptroller General of the Exchequer, and he shall thereupon proceed to burn or destroy the same, if the Lords of the Treasury shall so direct him; and in case any of such Bills shall be repaid in or towards Satisfaction of any such Advances as in Section Twenty-three are specified, the Paymaster General shall give to the respective Persons by whom the same shall be so repaid, Certificates thereof under his Hand for the Information of the Officers by whose Authority such Advances shall have been made.

48 Geo. 3. c. 1. (s. 8.)

XXXVII. Whensoever the Lords of the Treasury shall so direct, any Exchequer Bills, which may have been defaced by Accident, may be cancelled by and filed in the Office of the Comptroller-General of the Exchequer, and new Exchequer Bills may be, by him, made out in lieu thereof, and such new Bills shall have the same Numbers, Dates, and Principal Sums, and carry the like Currency and Interest, and be subject to the same Rules and Continuance as the Bills so defaced and cancelled.

48 Geo. 3. c. 1. (s. 18.) These Provisions have been carried out by the Treasury Minute of the 22d Dec. 1848. (ss. 121–4.) issued under the 11 & 12 Vict. c. 55. and from that Minute it appears that the Practice is to allow an Affidavit in "Proof" within the meaning of the Act, and to cause Inquiries to be made in the proper Departments. Compare

XXXVIII. Whenever Proof is made, either by Affidavit or Oath vivâ voce, before Her Majesty's Court of Exchequer or any Baron of the said Court, that any outstanding and unpaid Exchequer Bill or Exchequer Bond has been by Casualty lost, burned, or destroyed, and the Number and Principal Sum of such Bill or Bond is ascertained by such Proof, the said Court or Baron shall make Certificate to the Lords of the Treasury of such Proof having been made, and thereupon the said Lords shall cause all suitable Inquiries to be made in the proper Departments, and, if they are satisfied with the Result thereof, they may, (notwithstanding the said Casualty,) cause all Monies

Monies due upon such Bill or Bond to be satisfied by the Paymaster-General to the Person who but for the said Casualty would have been entitled to demand Payment thereof, upon his first giving good Security in such Form as the said Lords shall direct for the Repayment of the said Monies, in the event of the said Bill or Bond being thereafter produced. the 16 & 17 Vict. c. 23. (s. 40.)

XXXIX. The Public Securities constituting and securing the funded National Debt consist of and are represented by certain public Annuities payable half-yearly, and called Government Annuities and Bank Annuities, severally designated, distinguished, and regulated in such Manner as by the Twenty-two next following Sections is directed.

XL. Government Annuities are terminable Annuities for Lives or for Years, not accruing upon or issuing out of any Capital Stock or Fund, but from Time to Time created, granted, and made payable to the public Creditor by or under the Authority of Parliament; and all such Annuities shall cease upon the Expiration of the several Periods appointed for the Cesser thereof respectively, and in the meantime are irredeemable, but capable of being transferred in manner herein-after set forth. 10 Geo. 4. cc. 24. and 27. (s. 3.), 2 & 3 Will. 4. c. 59. (Preamble and ss. 1. and 2.), 3 & 4 Will. 4. c. 24. The "Waterloo Subscription Annuities" of 1819, which are not transferable are so nearly expired that it is not worth while maintaining any longer a Distinction, (the only one,) in their Case which does not apply to other Life Annuities. 1 & 2 Vict. c. 49. (s. 5.)

XLI. Bank Annuities are Perpetual Annuities, payable and transferable at the Banks of England and Ireland respectively, and accruing upon or in respect of certain Capital Joint Stocks, created by Parliament, and standing registered in the respective Books of the Governors and Companies of the said Banks, but redeemable as herein-after mentioned. See the Acts enumerated at Section XLVI.

XLII. All Government Annuities for Lives are under the Management of the Commissioners for the Redemption of the National Debt, (subject to the Superintendence and Control of the Lords of the Treasury), and are transferable in the Books of the said Commissioners, but from Time to Time payable under their Direction at the Bank of England; and all other Government Annuities are under the Management of the Governor and Company of the said Bank (subject to the Superintendence and Control of the said Lords and Commissioners respectively), and also subject (so far as relates to Annuities for Terms of Years transacted in Ireland) to the Provisions of Sections Forty-nine and Fifty-seven. 2 & 3 Will. 4. c. 59. (ss. 1. 2. and 3.), 3 & 4 Will 4. c. 24. Financial Accounts for 1853, (Nos. 66, 67, and 68.)

XLIII. All the Public Securities constituting or representing the funded National Debt shall be classified or distinguished according to their Natures and Descriptions in the Books wherein the same are severally 10 Geo. 4. c. 24. (s. 17.)

rally transferrable or payable, and in manner following, that is to say; all deferred or reversionary Government Annuities for Lives heretofore created, and not yet become payable, or hereafter to be created, shall be carried to and comprehended in one general Account by themselves; and all Government Annuities for Lives when and as the same respectively are payable shall be carried to and comprehended in another general Account by themselves; and all Government Annuities for Years of whatsoever Terms, and whether deferred, reversionary, or immediate, shall be carried to and comprehended in another general Account by themselves; and all other subsisting Government Annuities, and all Bank Annuities, shall be continued in or carried to the several separate Accounts thereof, respectively enumerated in Sections Forty-four and Forty-six by themselves respectively in the Books of the Commissioners for the Reduction of the National Debt, *or in the respective Books of the Governor and Company of the Bank of England or* (*as the Case may be*) *of the Governor and Company of the Bank of Ireland, according as the same respectively may happen to be transferable or payable.*

3 Geo. 4. c. 51. (s. 1.), 4 Geo. 4. c. 22. (s. 2.), 24 Geo. 3. c. 10. 27 Geo. 3. c. 13. (s. 53.), 59 Geo. 3. c. 34., 10 Geo. 4. c. 24., 3 & 4 Will. 4. c. 14., 29 Geo. 3. c. 41., 30 Geo. 3. c. 45., 2 & 3 Will. 4. c. 59.

In the Financial Accounts for 1853 (Nos. 67 and 68), the miscellaneous terminable Annuities enumerated in this Section are described by a Reference to the Acts of Parliament under which they were created. If those Acts are to be repealed, it will be necessary to substitute some other Distinction, such as that which appears in this Section, viz., the Dates of the Enactments.

XLIV. *The Government Annuities now subsisting and payable are respectively comprehended in the several Joint Stocks following, that is to say; One Joint Stock of Annuities of One thousand eight hundred and twenty-three payable until the Fifth Day of April One thousand eight hundred and sixty-seven and then to cease, another Joint Stock of Long Annuities payable until the Tenth Day of October One thousand eight hundred and fifty-nine, and a further proportional Part thereof being payable from such Day down to the Fifth Day of January One thousand eight hundred and sixty and then to cease, another Joint Stock of Annuities, of One thousand eight hundred and nineteen, One thousand eight hundred and twenty-nine and One thousand eight hundred and thirty-three, for Terms of Years determinable at sundry Periods, One other Joint Stock of Tontine Annuities, and Annuities of One thousand seven hundred and eighty-nine and One thousand seven hundred and ninety upon certain Lives, and One other Joint Stock of Annuities of One thousand eight hundred and eight, One thousand eight hundred and twenty-nine, One thousand eight hundred and thirty-two and One thousand eight hundred and thirty-three upon certain Lives; and all the said Annuities are payable half-yearly by even Payments.*

5 Geo. 3. c. 23., 19 Geo. 3. c. 18., 29 Geo. 3. c. 41., 30 Geo. 3. cc. 19. and 45., 2 & 3 Will. 4. c. 59. s. 12.)

XLV. *The Lords of the Treasury from Time to Time, and whensoever certified by the said Commissioners of the net Amount* (*after making such Deductions as in Section One hundred and thirty-four are specified*) *of all Monies actually chargeable upon the Consolidated Fund upon or for any of the Half-yearly Days by Section Forty-four appointed for the Payment*

Payment of the Tontine Annuities and such of the several Government Annuities for Lives managed by the said Commissioners as may not have been granted or sold by them, shall by Warrant direct the Governors and Company of the Bank of England to place to the Account of the said Commissioners the Amount of Monies specified in every such Certificate; and the said Amount when so placed shall be applied by the said Commissioners in Satisfaction of the Half-yearly Payments so chargeable as aforesaid.

XLVI. *All the present unredeemed and subsisting Bank Annuities are managed by the Governor and Company of the Bank of England, subject to the Superintendence and Control of the Lords of the Treasury and the Commissioners for the Reduction of the National Debt, and to the Provisions of Section Forty-nine, and the same consist of the under-mentioned Capital Joint Stocks of Annuities, that is to say; first, the following Capital Joint Stocks of Annuities, whereof the Half-yearly Dividends or Payments are payable on the Fifth Day of January and the Fifth Day of July in every Year, and which are severally redeemable as hereinafter is mentioned, namely, One Joint Capital Stock of Annuities called the Three per Cent. Consolidated Bank Annuities, bearing Interest on such Capital Stock after the Rate of Three Pounds per Centum per Annum, and redeemable at the Pleasure of the Lords of the Treasury or of Parliament;* 25 Geo. 2. c. 27. (s. 24.)

another Joint Capital Stock of Annuities called the New Five per Cent. Bank Annuities, bearing Interest on such Capital Stock after the Rate of Five Pounds per Centum per Annum, and redeemable by the Lords of the Treasury on and after the Fifth Day of January One thousand eight hundred and seventy-three; another Joint Capital Stock of Annuities called the New Three and a Half per Cent. Bank Annuities, bearing Interest on such Capital Stock after the Rate of Three Pounds Ten Shillings per Centum per Annum, and redeemable by the Lords of the Treasury on and after the Fifth Day of January One thousand eight hundred and ninety-four; and One other Joint Capital Stock of Annuities called the Two and a Half per Cent. Bank Annuities, bearing Interest upon such Capital Stock after the Rate of Two Pounds Ten Shillings per Centum per Annum (besides a yearly Sum payable at the said Bank of England on every Fifth Day of July to the Commissioners for the Reduction of the National Debt, after the Rate of Five Shillings for every One hundred and ten Pounds of such Capital Stock, to be by them applied towards such Reduction), and redeemable by the said Lords on or after the Fifth Day of January One thousand eight hundred and ninety-four; and, secondly, the following Capital Joint Stocks of Annuities, whereof the half-yearly Dividends or Payments are payable on the Fifth Day of April and the Tenth Day of October in every Year, and which are severally

11 Geo. 4. and 1 Will. 4. c. 13. (s. 2.)

16 & 17 Vict. c. 23. (ss. 2. and 3.)

16 & 17 Vict. c. 13. (ss. 2., 3., and 32.)

Geo. 3. c. 19.

& 8 Vict. c. 4. (s. 2.)

severally redeemable as hereinafter is mentioned; namely One Joint Stock of Annuities, called the Three per Cent. Reduced Bank Annuities, bearing Interest upon such Capital Stock after the Rate of Three Pounds per Centum per Annum, and redeemable at the Pleasure of Parliament; and another Joint Stock of Annuities called the Three Pounds Five Shillings per Cent. Bank Annuities and the New Three Pounds per Cent. Bank Annuities, bearing Interest upon such Capital Stock after the Rate of Three Pounds Five Shillings per Centum per Annum until the Tenth Day of October One thousand eight hundred and fifty-four, and from and after such last-mentioned half-yearly Day of Payment after the Rate of Three Pounds per Centum per Annum, and redeemable on or after the Tenth Day of October One thousand eight hundred and seventy-four by the Lords of the Treasury.

& 4 Will. 4. c. 98., & 5 Will. 4. c. 40., & 4 Vict. c. 75. (s. 4.) & 8 Vict. c. 32. (s. 47.), & 9 Vict. c. 37. (ss 1., , 3., and 4.)

XLVII. *Under the Superintendence and Control of the Commissioners for the Reduction of the National Debt, the Comptroller-General of the Exchequer, and the Lords of the Treasury respectively, the Management of the Two Capital Stocks and Annuities called Bank Debts, and due from the Public to the Governor and Company of the Bank of England, and the Governor and Company of the Bank of Ireland respectively, and bearing Interest respectively after the Rate of Three Pounds per Centum per Annum, and severally redeemable by the Lords of the Treasury after Twelve Months Notice (in the Case of the Bank of England), and after Six Months Notice (in the Case of the Bank of Ireland) shall, until the Redemption and Discharge of such Debts and Interest to the said Governors and Companies respectively, be severally conducted by such Governors and Companies to whom the same are respectively due, in all respects as such Management hath hitherto been conducted; and under the like Superintendence and Control the several Stocks of Bank Annuities enumerated in Section Forty-six, and also the Government Annuities of One thousand eight hundred and twenty-three, the Long Annuities, and the other Government Annuities for Terms of Years mentioned in Section Forty-four, shall, until the Redemption of the said Bank Debt due to the Governor and Company of the Bank of England and during the Continuance of the Charter held by the said Corporation, continue to be managed as hitherto by the said Governor and Company, subject to the Provisions of Sections Forty-nine and Fifty-seven, with respect to the Management of such Parts of the said Stocks and Annuities as may have to be transacted in Ireland.*

26 Geo. 3. c. 31. (s. 9.) 28 Geo. 3. c. 4. (ss. 5. to .), 3 & 4 Will. 4. c. 98. s. 13.), 7 & 8 Vict. c. 32. s. 8.)

XLVIII. *In addition to the Compensation and Allowances specified in Section One hundred and twenty-eight there shall be annually issued and paid unto he Governor and Company of the Bank of England out of the Consolidated*

Consolidated Fund for the Charges of Management of the unredeemed National Debt (valuing in the Account of such Debt all public Annuities for Terms of Years at Twenty-two Years' Purchase), the Sums following; that is to say, so long as such Debt shall exceed Six hundred millions of Capital, for every Million of Capital in excess of Six hundred millions, Three hundred Pounds; and for every Million of the remaining Six hundred millions, Three hundred and forty Pounds; when such Debt shall amount to Four hundred millions of Capital, but not exceed Six hundred millions, for every Million of Capital Three hundred and forty Pounds; and when such Debt shall amount to Three hundred millions of Capital, but shall not amount to Four hundred millions, for every Million of Capital Four hundred and fifty Pounds; and all such Allowances for Management for each Year shall be computed quarterly on the said Capital as it stood on the Fifth Day of April in the Year immediately preceding such Computation, and shall be paid in One Sum to the said Governor and Company on or before the Fifth Day of July next following every such Computation, after deducting thereout during the Continuance of their Privileges of exclusive Banking, and Exemption from Stamp Duties, and no longer, the yearly Sum of One hundred and eighty thousand Pounds; but no Allowances or Payments shall be issued or made to the said Governor and Company in respect or on account of the Charges of Management of any public Annuities for Lives or Years, or Principal or Capital Stock of any public Annuities which shall be purchased by the Commissioners for the Reduction of the National Debt, and placed to their Account at the said Bank.

XLIX. *Until the First Day of January One thousand eight hundred and fifty-five, and from and after that Day until Payment to the Corporation of the Governor and Company of the Bank of Ireland of their said Bank Debt, and until the said Corporation shall be dissolved, the said Governor and Company, under the like Superintendence and Control as by Section Forty-seven in the Case of the Bank of England is provided, shall continue to manage their said Bank Debt and to receive and manage the Interest thereof, and also to pay from Time to Time all Tontine and other Life Annuities constituting Part of the National Debt and hitherto payable in Ireland, and to manage and pay all Interest, Dividends, or Annuities now or hereafter to become payable at the said Bank in respect of those Portions of the National Debt which may from Time to Time happen to be transacted in Ireland; but for their Trouble or Expense in respect of the Premises, the said Governor and Company shall not make any Charge upon Her Majesty or Her Government, nor shall they receive any Allowance or Payment whatsoever in respect thereof.*

3 & 4 Vict. c. 75. (s. 4.), 8 & 9 Vict. c. 37. (ss. 2., 3., and 4.)

Geo. 1. Stat. 2. c. 12. Geo. 4. c. 53. (s. 4.) & 4 Will. 4. c. 98., 6 & 17 Vict. c. 23. s. 21. and 22.)

L. *So long as the said Stocks and Annuities or any Portion thereof are managed or paid at the said Banks of England and Ireland respectively, the Governors and Companies of such Banks are respectively charged with the Duty of appointing and employing Accountants General, Chief and other Cashiers, and all such proper Officers and Assistants as shall be required for the Purposes of such Management or of the Laws which regulate the same; and all Monies at any Time being in the Receipt of the Exchequer and applicable to the Payment of the Dividends, Interest, or Payments accruing due from Time to Time upon or in respect of the said Stocks or Annuities respectively, shall, by Order of the Lords of the Treasury and without further or other Warrant, be by way of Imprest and upon Account for such Payment issued and paid at the said Receipt of Exchequer to such Cashiers respectively for the Time being, under the Inspection of such Accountants General respectively for the Time being, and such Cashiers on receiving the same shall, without Delay, from Time to Time apply and pay all such Monies respectively under the like Inspection, and render according to the due Course of the Exchequer their respective Accounts of such Payments and Application after such Accounts shall have been by such Accountants General examined and compared with the Vouchers relating thereto and found accurate.*

& 4 Will. 4. cc. 24. nd 98.5 Geo. 4. c. 53., & 9 Vict. c. 97. (s. 4.)

LI. At the Office of the Commissioners for the Reduction of the National Debt, and at the Banks of England and Ireland respectively, so long as any of the said Stocks and Annuities shall continue to be managed at such Office and Banks respectively, there shall be kept, by the proper Officers of the said Commissioners and of the Governors and Companies of the said Banks respectively, proper Books wherein the Stocks and Annuities so managed or payable thereout shall be written, and all Transfers thereof respectively entered and registered by the said Officers, and underwritten by the Parties making or accepting the same, or their lawful Attornies, (or, in the event of the Incapacity of any of the Parties in whose joint Names any such Stocks or Annuities may be standing, and on proof thereof made by Declaration to the Satisfaction of the said Commissioners and Governors and Companies respectively by the other or others of such Parties, then by such other Party or Parties, or his or their lawful Attornies,) in such Manner as hath been hitherto used and done at the said Places respectively; and no other Method of transferring such Stocks or Annuities respectively shall be allowed.

Geo. 4. c. 53. (ss. 11. nd 12.)

LII. Such Transfers shall continue to be made respectively on the Days hitherto used and accustomed, and it shall not be lawful to make or accept any Transfers of Stocks or Annuities except on such Days respectively.

LIII. All

LIII. All such Books as in Section Fifty-one specified are Public Records, and to be admitted and proved as such at Law and in Equity, and are at all reasonable Times open, without Fee or Reward, to the Inspection of any Person making or accepting any such Transfers of Stocks or Annuities or otherwise entitled to or interested in any Monies or Things entered or registered in the said Books.

5 Geo. 4. c. 53. (s. 16.) 4 & 5 Will. 4. c. 15. (s. 16.)

LIV. All Stocks and Annuities constituting any Portion of the National Debt are Personal Estate, and so much thereof as consist of any Annuities granted by the Commissioners for the Reduction of the National Debt are assignable or transferable in their Books by the Persons thereunto respectively entitled, or their respective Attornies; and every Transfer shall (in the Case of a deferred or reversionary Annuity sold in consideration of annual Payments to be made in Money under Section Seventy-six,) be registered, and such other Forms shall be observed in the making of Transfers as the said Commissioners shall direct; but no Assignment or Transfer of any such Annuity, being for a Life or Lives, shall be valid where less than the Entire of such Annuity would be transferred, or the original Nominee or Nominees of such Annuity would be varied or changed by virtue of such Transfer; and all other Stocks or Annuities are transferable, either entire or in parts, and by Entry in the Books of the Governor and Company of the Bank of England or (as the Case may be) of the Governor and Company of the Bank of Ireland, where the same shall be managed and payable.

9 Anne c. 21., 55 Geo. 3. c. 57., 10 Geo. 4. c. 24. (s. 33.), 2 & 3 Will. 4. c. 59. (s. 9.), 3 & 4 Will. 4. c. 85. (ss. 11. to 16.), and c. 98., 8 & 9 Vict. c. 37. (ss. 3. and 4.)

LV. All Stocks and Annuities, and all Dividends, Interest, or Payments of Stocks or Annuities, constituting any Part whatsoever of the National Debt, and not determined by or ceasing to be payable on the Deaths of Parties entitled to the same, shall, after their Deaths, go unto and devolve upon the Executors or Administrators of such Parties respectively, subject to the Provisions of Section Fifty-six.

1 Geo. 1. c. 19., 27 Geo. 3. c. 13., 10 Geo. 4. c. 24. (ss. 35. and 37.), 8 & 9 Vict. c. 97. (ss. 1. and 2.), and 1 & 2 Vict. c. 49. (ss. 10., 11., and 12.) which last Act seems to extend the Provisions of the 8 & 9 Vict. by Anticipation to the Cases provided for by the 10 Geo. 4. c. 24.

LVI. The Executors or Administrators of Persons dying possessed of or entitled to any such Stocks, Annuities, Dividends, Interest, or Payments, shall from Time to Time, after the Deaths of such Persons, receive such Dividends, Interest, or Payments, and make such Transfers or Assignments in the Books of the Governor and Company of the Bank of England, [or (as the Case may be) of the Governor and Company of the Bank of Ireland, or (as the Case may be) of the Commissioners for the Reduction of the National Debt, wherein such Stocks or Annuities shall happen to be transferable] without Prejudice to the Rights of Legatees, next of Kin, or Third Parties, to an Account thereof against such Executors or Administrators

respectively; but no such Receipt or Transfer shall be permitted by such Governors and Companies and Commissioners respectively to take effect in any Case where the Probate of the Will or the Letters of Administration of the Effects of the deceased Person to an Amount exceeding the Sum claimed of them respectively by such Representatives shall not have been first left at their Bank or (as the Case may be) their Office by the Executors or Administrators of such Persons for Registration of the Names of such deceased Person and of his Executors or his Administrators, as the Case may be; and the said Governors and Companies and Commissioners respectively are empowered moreover to require all of the Executors who have proved the Will of any such deceased Person to concur in any such Transfer; and in the Case of any such Annuity for Lives granted by the said Commissioners no such Transfer shall be valid where less than the Entire of such Annuity is transferred, or the original Nominee or Nominees thereof are varied or changed by virtue of such Transfer; and in the Case of any unexpired Government Annuity whatsoever, not exceeding the Sum of Ten Pounds, and payable by the said Commissioners, they are empowered to pay the same to the next of Kin of the Person entitled thereto and dying intestate, without requiring any Letters of Administration to be taken out to such Person, on such next of Kin making and signing a Declaration to such Effect, and in such Form as the said Commissioners shall direct.

5 Geo. 4. c. 53. (ss. 1. to 10.), 6 Geo. 4. c. 79., 3 & 4 Will. 4. c. 24. (s. 4.), 16 & 17 Vict. c. 23. (s. 31.)

LVII. *During the Continuance of the Charter of the said Bank of Ireland all Stocks or Annuities managed and paid by the Governor and Company of the Bank of England may, at the Discretion of the Parties thereunto entitled, be from Time to Time transferred in manner herein-after mentioned for the Purpose of having corresponding Sums of Stocks or Annuities of the same Description with the Stock or Annuities so transferred, written into, and comprehended in the Capital of the same Description of Stock or Annuities in the Books of the Governor and Company of the Bank of Ireland, and managed and paid at the said Bank of Ireland; and in like manner all Stocks or Annuities managed or paid by the Governor and Company of the said Bank of Ireland may, at the like Discretion, be transferred in manner herein-after mentioned, for the Purpose of having corresponding Sums of Stock or Annuities of the same Description written into and comprehended in the Capital of the same Description of Stocks or Annuities in the Books of the Governor and Company of the Bank of England, and to be managed and paid by the Governor and Company of the said Bank of England; and all such Transfers shall be made according to the true Values of such Stocks or Annuities respectively, and according to the Scale and on the Terms and Conditions hitherto used at such Banks respectively, and such Transfers and Assessments shall be*

be made by Entries in the Books of the said Banks respectively; and the Dividends and Payments of such Stocks and Annuities when so transferred, shall be received at the said Banks to which the same are so transferred by the Parties entitled thereto.

LVIII. *The Forms of all Applications to the said Banks respectively for Permissions to make such Transfers as are specified in the Two last Sections shall be regulated from Time to Time by the respective Governors and Companies of the said Banks, but in all other respects the Method prescribed by the Three next following Sections shall be observed, and no Transfers made otherwise than in Conformity thereto shall be valid.* 5 Geo. 4. c. 53. (s. 13.)

LIX. *Upon obtaining the Permission of the Governor and Company of the Bank at which any Stocks or Annuities are transferable to transfer the same as in the last Section mentioned, the Party thereto intitled may transfer the same into the Names of the Commissioners for the Reduction of the National Debt, and the said Governor and Company shall thereupon grant to the Person making such Transfer a Certificate thereof directed to the Governor and Company of the Bank to which such Stocks and Annuities are proposed to be transferred; and shall on the same Day on which such Tranfer is made into the Names of the said Commissioners notify the same to the Commissioners for the Reduction of the National Debt, who shall thereupon transmit such Notification to the Bank to which such Transfer is made, and cancel and discharge from the National Debt in England (if such Transfer was made in England) or in Ireland (if such Transfer was made in Ireland) the Amount of Stocks or Annuities so transferred, and all Interest on the Capitals of such Stocks or Annuities when so cancelled shall be paid in the Country to which the same were transferred, and shall cease to be payable in the Country from which such Transfer was made.* 5 Geo. 4. c. 53. (ss 13. 14.15. and 16.)

LX. *Whensoever any such Certificate as in the last Section mentioned is by or on the Behalf of the Person obtaining the same produced at the Bank to which such Transfer is proposed to be made, the Governor and Company of such Bank shall write into the Books of such Bank, which relate to the Stocks or Annuities corresponding to those so transferred, the Sums of Stock or Annuities specified in such Certificate; and the same shall be added to such corresponding Stocks or Annuities, and shall in like Manner with them become payable and transferable at such Bank, and shall bear Dividend or Payment from the Day on which the last Dividend or Payment immediately previous to such Transfer became due on such corresponding Stocks or Annuities.* 5 Geo. 4. c. 53. (ss. 17. 18. 19. and 20.), 7 & 8 Vict. c. 4. (s. 2.) and c. 5. (s. 1.), 16 & 17 Vict. c. 23. (s. 31.)

5 Geo. 4. c. 53. (ss. 12 and 13.

LXI. *No such Transfers of any Stock or Annuities as in the last Section is mentioned shall be made within the Times herein-after mentioned; that is to say, where the Half-yearly Days for the Payment of the Dividends and Payments thereof are the Fifth Day of January and the Fifth Day of July, then within Forty clear Days next before each of the said Days of Payment, nor, where such Days of Payment are the Fifth Day of April and the Tenth Day of October, then within Forty clear Days next before the Fifth Day of April or within Forty-four clear Days next before the Tenth Day of October; and no such Stock or Annuities, when transferred, shall be written into the Books of the Governors and Companies of the Banks of England and Ireland respectively within the Times next herein-after mentioned; that is to say, where the Fifth Day of January and the Fifth Day of April are the Half-yearly Days for the Payment of the Dividends or Payments of such Stock or Annuities, then within Thirty-five clear Days (at the Bank of England), or Twenty-three clear Days (at the Bank of Ireland) next before such Fifth Day of January, nor within Thirty-four clear Days (at the Bank of England) or Twenty-two clear Days (at the Bank of Ireland) next before such Fifth Day of April; and where the Fifth Day of April and the Tenth Day of October are such Half-yearly Days of Payment, then within Thirty-five clear Days (at the Bank of England) or Twenty-three clear Days (at the Bank of Ireland) next before such Fifth Day of April, nor within Thirty-seven clear Days (at the Bank of England) or Twenty-seven clear Days (at the Bank of Ireland) next before such Tenth Day of October.*

LXII. The Sixty-six next following Sections determine the respective Modes in which (subject to the Provisions of Sections Forty, Forty-one, Forty-six, and Forty-seven) the Redemption and Reduction of the said Funded Debt may be effected.

This Clause is new, 1st, so far as it distinguishes between Stock redeemable on a Day certain and Stock not so redeemable; and, 2d, so far as it empowers the Lords of the Treasury to defer closing with the Holders of Stock for Redemption after Notice until a more convenient Period of the Stock Market. Otherwise it will be found to embody the common Redemption Clauses in all National Debt Acts. See, for instance, the 3 & 4 Vict. c. 75. (s. 4.) and the 27 Geo. 3. c. 13. (s. 24.)

LXIII. *With respect to such of the said Bank Annuities as are or shall be redeemable on or after a Day certain, it shall not be necessary for Parliament or the Lords of the Treasury to give any Notice of their Intention to redeem the same upon that Day, if they shall be minded on such Day to redeem the same; but with respect to all Stocks or Annuities not redeemed on the Days on which they may have been made redeemable, and also all Stocks or Annuities originally made redeemable at the Pleasure of Parliament or of the Lords of the Treasury, and which are not otherwise by this Chapter expressly provided for, it shall be lawful for Parliament or (as the Case may be) for the said Lords of the Treasury, upon first giving Twelve Months Notice in Writing under their Hands to the Holders of such Stocks and Annuities respectively, to accept Payment of the Amount in current Value of their said Stock or Annuities, or to commute or exchange*

exchange the same into other Stock (as the Case may be); and so often as such Notice as aforesaid, or such new Notice as hereafter is mentioned, shall have been given, the said Lords are empowered, at their Discretion, either upon the Expiration of any such Notice to pay off the Holders of such Stock or Annuities, or (as the Case may be) so to commute or exchange the same as aforesaid, or else, at their Discretion, within a Period of not less than Seven clear Days before the Expiration of such Notice, to extend the Period therein specified for any further Period not being less than One Month from the Expiration of the first, by giving a new Notice to that Effect under their Hands to the said Holders, and so on from Time to Time and so often as to Parliament or the said Lords (as the Case may be) shall seem convenient; and for the Purpose of any such Redemption by Parliament any Vote or Resolution of the House of Commons signified by the Speaker of the said House in Writing, and for the Purpose of any Redemption by the Lords of the Treasury any Minute in Writing under the Hands of the said Lords, to be respectively inserted in the London Gazette, and affixed on the Royal Exchange in London, shall be deemed sufficient Notice of any such Intention as aforesaid.

LXIV. *Upon Twelve Months Notice in Writing, signed by the Speaker of the House of Commons, by Order of the House, being given to the United Company of Merchants of England trading to the East Indies, of the Intention of Parliament, upon or at any Time after the Thirtieth Day of April One thousand eight hundred and seventy-four, to redeem their yearly Dividend of Ten Pounds Ten Shillings per Centum per Annum upon their Capital Stock, Parliament is empowered to treat the same as a Portion of the Funded Debt of this Kingdom, and to redeem the same, by paying to the said Company Two hundred Pounds Sterling for every One hundred Pounds of their said Capital Stock, together with a proportionate Part of such Dividend if the said Reduction shall take place on any other Day than One of the half-yearly Days of Payment of such Dividend; and if the said Company shall at any Time cease to retain the Possession and Government of Her Majesty's Indian Territories, and shall within One Year afterwards demand such Reduction, the said Company shall be entitled to have the said Dividend redeemed, after the Rate and upon the Terms aforesaid, within Three Years after the Date of such Demand, and Provision shall be made for such Reduction accordingly by Parliament.*

3 & 4 Will. 4. c. 85. (ss. 11., 12., and 13.)

LXV. Subject to the Provisions in the foregoing Sections contained, the Redemption or Reduction of the funded National Debt shall be effected upon the true and current Value thereof being respectively made good to the several Holders of the Securities constituting or representing the same, either by Payment of Money to or by

26 Geo. 3. c. 31., 42 Geo. 3. c. 71., 56 Geo. 3. c. 60., 4 Geo. 4. c. 19., 9 Geo. 4. c. 92., 10 Geo. 4. cc. 24. and 27., 3 & 4 Will. 4. cc. 14. and 24.

Exchange of other Public Stock or Annuities with the said Holders respectively; and any other Public Stock or Annuities created for the Purpose of such Exchange shall be deemed to constitute a Part of the said Debt, and shall be liable to Redemption by way of Payment or Exchange in the like Manner.

26 Geo. 3. c. 31. (ss. 14. and 15.) By this Act Four were a Quorum; all the subsequent Acts, however, giving special Powers, followed the Analogy of other public Boards and made the Quorum Three. See in particular 10 Geo. 4. c. 24. (ss. 48. and 49.), and 3 & 4 Will. 4. c. 14. (s. 22.) The 58 Geo. 3. c. 66., enacts in general Terms, that Three shall be the Quorum in every Case.

LXVI. For better effecting the gradual Reduction of the said Debt, the following Officers for the Time being respectively are constituted Commissioners, without Fee or Reward, for exercising, under the Name and Style of "The Commissioners for the Reduction of the National Debt," and under the lawful Superintendence and Direction of the Lords of the Treasury, the Powers and Functions given and required by Law for that Purpose; (that is to say,) the Speaker of the House of Commons, the Chancellor of the Exchequer, the Master of the Rolls in England, the Accountant General of the Court of Chancery in England, and the Governor and Deputy-Governor of the Bank of England, whereof any Three or more shall for all Purposes constitute a Quorum; and the said Commissioners shall appoint such Officers, Clerks, and Assistants under them as they shall deem necessary, and as the Lords of the Treasury shall approve; and the said Commissioners shall cause all Proceedings had in their Office to be entered in proper Books to be kept there for that Purpose.

0 Geo. 4. c. 27. (ss. 1., 2., and 3.)

LXVII. One Fourth Part of every Sum which by the annual Account of Receipt and Expenditure specified in Section One hundred and thirty-five shall appear to be the Amount of the whole actual surplus Revenue for the financial Year to which such Account relates, beyond the actual Expenditure for such Year, and which Amount shall be at the same Time certified by the Lords of the Treasury to the Commissioners for the Reduction of the National Debt, shall, during the Quarter next ensuing the Quarter within which such Account shall have been made up, be issued out of the Consolidated Fund, and paid into the Bank of England or the Bank of Ireland, as the said Commissioners shall direct, to the Account of the said Commissioners with such Banks respectively, and to be by the said Commissioners applied, at such Times and in such Proportions as they shall think fit, or as by any Act of Parliament shall be directed, towards the Reduction of the said Debt; and the said Commissioners shall thereupon from Time to Time publish in the London Gazette the Amount of such Fourth Part so applicable to the said Purpose.

LXVIII. The said yearly Fourth Part shall, with all other Monies which shall at any Time be paid or issued to the Account of the said Commissioners, or shall be standing to such Account at either of the said Banks, (save such as are expressly by Law otherwise appropriated,) constitute the "Sinking Fund" applicable to the Reduction of the National Debt.

LXIX. The

LXIX. The Commissioners are empowered to lay out and apply the said Sinking Fund in or towards the Purchase of any redeemable Public Annuities constituting the Public Debt of this Kingdom, whether for Life or Lives or for Years, perpetual or temporary, immediate or deferred, or the Reversions of any of the said Annuities whatsoever, or the Capital Stocks or Funds (if any) whereof any of the said Annuities shall happen to be the Produce; and so often as any such Purchase of Stocks or Annuities shall have been effected by the said Commissioners they shall forthwith cause the same to be cancelled in the respective Books of the Governor and Company of the Bank of England, or of the Governor and Company of the Bank of Ireland (as the Case may be); and all Interest, Dividends, and Payments thereon respectively shall, from and after the Transfer of the same respectively to the said Commissioners in the Books of the said Banks and Companies respectively, cease to be charged upon or issued out of the Consolidated Fund.

10 Geo. 4. c. 27. (s. 5. and 8.) 3 & 4 Will. 4. c. 24. (s. 1.)

LXX. All Sums given or bequeathed by Individuals, or set apart by Parliament or the Lords of the Treasury, to or on account of the Commissioners for the Reduction of the National Debt, and applicable to such Reduction, shall be from Time to Time applied, at the Discretion of the said Commissioners, in the Purchase of such Stocks, Funds, Debentures, or Annuities as they shall think suitable; and the said Sums shall be from Time to Time issued and paid accordingly, under the Order of the said Commissioners, and such Order shall at all Times be a sufficient Warrant to all Persons obeying the same.

37 Geo. 3. (Irish), c. 27. 36 Geo. 3. c. 98. (s. 13.)

LXXI. Unless where otherwise expressly by Law provided, the Commissioners shall, on every Day whereon Stocks or Annuities are transferable (Saturdays and Mondays excepted), between the First Day of the Month next succeeding the End of every financial Quarter and the First Day of the Month next succeeding the next financial Quarter, apply whatsoever Monies, Capital Stocks, or Annuities shall have been placed to their Account between the End of the First of the said Two financial Quarters and the First Day of the said Month next succeeding the same, in equal Portions, as nearly as may be, in or towards the Redemption of such subsisting Stocks or Annuities as shall happen to be below Par, and in the event of there being none below Par then to the Redemption of Stocks or Annuities at or above Par.

26 Geo. 3. c. 31.. (ss. 10., 11., and 12.) The Enactments embraced by those Clauses have been little acted on for many Years, and may be considered as obsolete.

LXXII. The said Commissioners are empowered to subscribe or apply from Time to Time all such Monies, Capital Stocks, and Annuities as shall have been during the then current Year placed to their Account, towards any public Loan to be raised by any future

26 Geo. 3. c. 31 s. 2..

Act of Parliament upon perpetual Annuities, the Capital Stock whereof shall bear the same Market Price per Centum, and the same Rate of Interest, with some Capital Stock of redeemable Annuities then subsisting, and which perpetual Annuities shall be redeemable only at Par, and for which the Sinking Fund shall be a collateral Security.

10 Geo. 4. c. 24. (ss. 1., 2., 22., and 23.), 3 & 4 Will. 4. c. 14. (s. 1., 2 , 3.) There is no Provision for debiting the "Fourth Part of Surplus" with the Monies applicable to the Purposes of this and the following Section. Practically, there can be little Difference whether the Allowance be made before or after the Surplus is ascertained by the Balance of Receipts and Expenditure.

LXXIII. The said Commissioners are further empowered, at their absolute Discretion, and at all Times of any Year (except within the Space of Fourteen Days next after either of the Four half-yearly Days of Payment in this Section enumerated), to sell and grant to all Persons whomsoever (subject to the special Provisions contained in Section Ninety-four) any terminable Annuities of whatsoever Kind or Denomination, chargeable upon the Consolidated Fund, and payable half-yearly, and transferable at the Bank of England, and to commence either immediately, or to be deferred and to commence at any Period to be fixed at the respective Times of granting such Annuities, and all such Annuities respectively to continue either for the single Life of a Nominee or for the joint Lives of Two Nominees, or for the Lives of Two Nominees and the Life of the longest Liver of them (such Nominee or Nominees respectively being each of the Age of Fifteen Years at the least at the Time of such Contract), or for any certain limited Term of Years not being limited to commence from and after the Death of any Nominee, on whose Life any Annuity may have been granted; and the half-yearly Payments of such Annuities shall take place at the Bank of England on the Days following; that is to say, either on the Fifth Day of January and the Fifth Day of July in every Year, or on the Fifth Day of April and the Tenth Day of October in every Year, according to the respective Periods of Payment or Transfer of the Considerations whereon the same were granted, and which in Section Seventy-five are more particularly specified.

10 Geo. 4. c. 24. (ss 2., 12., and 20.)

LXXIV. The said Commissioners are empowered to receive of such Persons respectively, by way of Consideration for such Sales or Grants, the Payment of such Sum or Sums of Money, or the Transfer of such Public Annuities, or Capital Sums of Public Stock, of whatsoever Kinds or Denominations respectively, including Annuities, at any Time sold by the said Commissioners, under the Authority contained in the last Section, and to such Amounts respectively, as the said Commissioners shall agree to receive of such Persons respectively, subject to the Conditions and Restrictions specified in Section Seventy-six.

10 Geo. 4. c. 24. (s. 22.)

LXXV. The half-yearly Days of Payment in every Year mentioned in Section Seventy-two are fixed in manner following; that is to say, the Fifth Day of January and the Fifth Day of July for all Annuities the Purchases whereof shall have been completed by Payment or Transfer of

of the Money, Stock, or Annuity payable or transferable by way of Consideration for the same at any Time during the Quarter ending on the Tenth Day of October next preceding the First of the said half-yearly Days, and the Fifth Day of April and the Tenth Day of October for all Annuities the Purchases whereof shall have been so completed at any Time during the Quarter ending on the Fifth Day of January next preceding the first of the last-mentioned half-yearly Days, and the Fifth Day of July and the Fifth Day of January for all Annuities the Purchases whereof shall have been so completed at any Time during the Quarter ending on the Fifth Day of April next preceding the first of the last-mentioned half-yearly Days, and the Tenth Day of October and the Fifth Day of April for all Annuities the Purchases whereof shall have been so completed at any Time during the Quarter ending on the Fifth Day of July next preceding the first of the last-mentioned half-yearly Days.

LXXVI. The Commissioners shall not accept by way of Consideration for the Sale of any such Annuity the Transfer of any Amount of Stocks or Annuities the current Value whereof shall be less than the Value of One hundred Pounds in the Three per Cent. Bank Annuities according to the average Price of such Annuities, and no Sum of Money shall be accepted by way of such Consideration for the Sale of any Annuity (not being a deferred Annuity) unless the same shall be equal in Value to the Sum of the like Bank Annuities according to the average Price thereof; and where the Annuity to be sold is a deferred Annuity, the said Commissioners are empowered to accept, by way of Consideration for the same, either such Sum of Money or Annuities as shall be equal in Value to One hundred Pounds of Three per Cent. Bank Annuities, according to the average Price thereof, or else such yearly Payments of Money to the Amount of not less than Five Pounds by the Year as the said Commissioners shall by their Regulations determine; but in the Case last mentioned, if Default shall ever happen to be made in any of such yearly Payments, all Title to any Annuity in respect thereof shall be extinguished, and the whole Amount of such annual Payments as may have been previously made on account of such Annuity shall be forfeited to and constitute Part of the said Sinking Fund, and be applicable accordingly. 10 Geo. 4. c. 24. (ss. 3. and 5.

LXXVII. Before any Contract for the Purchase of any such Annuity can be entertained by the said Commissioners, the intending Purchaser, or his duly authorized Agent, shall make and sign, and lodge with them, a written Declaration, in such Form as they shall from Time to Time direct, stating such intended Purchaser's Name, and Intention to become the Purchaser of such Annuity, and if he be joined with any other Persons therein the Names of such other Persons. 10 Geo. 4. c. 24. (ss. 3., 5., and 8.)

10 Geo. 4. c. 24. (s. 9.)

LXXVIII. For the better Information of the Public touching the actual Values of the Annuities which the said Commissioners are so empowered to grant, they shall from Time to Time, and immediately upon receiving from the proper Officers of the Bank of England every Account of the average Prices at which Bank Annuities have been from Time to Time bought at the said Bank, cause a Copy of such Account to be put up and kept in some conspicuous Place in the Office of the said Commissioners, so as that the same may be conveniently inspected there by the Public.

10 Geo. 4. c. 24. (ss. 10., 11., 14., 15., and 30.)

LXXIX. In computing and ascertaining the respective Values of any Annuities to be sold by the said Commissioners under the aforesaid Provisions, they shall adopt and use such Tables as from Time to Time shall be authorized by the Lords of the Treasury for that Purpose, and duly notified by the said Commissioners to the Public by Advertisement thereof in the London Gazette previously to their using the same; and all Annuities for Lives or Years, of whatsoever Kind, to be sold as aforesaid shall be sold by the said Commissioners according to the respective Values thereof stated in such Tables respectively, so long as the same shall remain in force; and moreover, in computing and ascertaining such Values, and also the Values of the Annuities or Stock (if any) to be transferred unto them by way of Consideration for such first-mentioned Annuities, the said Commissioners shall adopt and use the daily Accounts which they shall have received from the Officers of the Bank of England in pursuance of Section One hundred and thirty-one of the average Price of Bank Three per Cent. Annuities bought there "on the nearest Day preceding the Date of the Certificate" directed by Section Eighty to be granted by the Commissioners, excluding from every such Computation all fractional Parts of a Pound of such Bank Annuities (if any).

10 Geo. 4. c. 24. (ss. 3. and 10.) The Management of all Government Annuities at the Date of the Enactment of the 10 Geo. 4. c. 24. was vested in the Bank of England. Whether there is any Reason for continuing these Provisions in respect of such as are managed and transferred at the National Debt Office does not appear; but they are still in force.

LXXX. So soon as the said Commissioners shall, by the Ways and Means specified in Sections Seventy-seven and Seventy-nine, have satisfied themselves that the intending Purchaser has sufficiently complied with the Provisions of this Chapter and their own Regulations, and shall have ascertained the Value of the Annuity to be sold, and the Amount of Consideration to be received for the same, they shall make out, sign, and deliver to the said Purchaser, or his duly authorized Agent, a Certificate of the said Particulars, and transmit to the Governor and Company of the Bank of England a Duplicate thereof, and such Certificate shall be available for Five Days only from the Date thereof; and so soon as the said Purchaser or his said Agent within such Period shall have produced and lodged the said Certificate, and made due Payment of the Money or Transfer of the Stock or Annuities therein specified at the said Bank, the Cashier of the said Bank shall sign and deliver unto him a Certificate or Receipt thereof, by way of Acquittance for such Consideration

sideration, and in completion of the said Sale; and such Purchaser or Agent shall thereupon underwrite his Acceptance of the Annuity so purchased by him in the Books of the said Commissioners, or, as the Case may be, the said Governor and Company.

LXXXI. If the Annuity to be purchased is an Annuity to depend upon a Life or Lives, then such Declaration shall, in addition to such Particulars as aforesaid, contain the Name or Names and Age or Ages of the Person or Persons on whose Life or Lives such Annuity is required to be granted, and such other Particulars as the said Commissioners shall from Time to Time direct: and the said intending Purchaser shall therewith produce to and lodge with the said Commissioners such Declarations, Certificates, or other Evidence of the Birth or Baptism of himself or of any and every Nominee upon whose Life or Lives such Annuity is to depend, and in such Form as the said Commissioners shall think fit to call for.

10 Geo. 4. c. 24 (ss 5, 6, and 7.)

LXXXII. Every Nominee of a Life Annuity, not being himself the Person or one of the Persons intending to purchase such Annuity, must be a Native of and most usually resident within the United Kingdom, but any Person, whether such Native or not, or so resident or not, may purchase any Life Annuity depending upon his own Life.

10 Geo. 4. c. 24. (s. 4.)

LXXXIII. The Existence of any Nominee of any Life Annuity whatsoever, whether granted by the said Commissioners or not so granted, may be proved either by the personal Appearance of such Nominee before the proper Officer of the said Commissioners, or, if such Nominee be resident within the United Kingdom, by the Production on the Part of the Person entitled to the said Annuity, before such Officer, of a Certificate, either under the Hand of the Minister, or (in his Absence to be stated in such Certificate) under the Hands of any Two Churchwardens, Chapelwardens, or Overseers of the Parish or Place wherein such Nominee is then resident, or under the Hand of any Justice of the Peace for the County or other Jurisdiction wherein such Parish or Place is situate, and if such Nominee be then resident out of the United Kingdom, then by the Production before such Officer of a Certificate under the Hand of the Governor or Acting Governor of the Place wherein such Nominee is then resident, if such Place be situate within Her Majesty's Dominions, or if elsewhere situate, under the Hand of the British Member or Consul (if any) there resident, or of the Governor or Acting Governor (if any) or (in default of such) the Chief Magistrate or Acting Chief Magistrate of such Place; and every such Certificate shall be to the Effect that the Nominee or Nominees therein named was or were living upon or after the Day therein specified, and which Day shall be some One of the Days on which a half-yearly Payment of the Annuity depending upon his or their Life or Lives shall have become due; and at the Time of producing such Certificate the same shall be verified by a Declara-

10 Geo. 4. c. 24. (ss. 24. and 25.), 2 & 3 Will. 4. c. 59. (ss. 5., 7., and 8.), 1 & 2 Vict. c. 49. (ss. 10., 13., and 14.), 5 & 6 Will. 4. c. 62. (ss. 2. and 4.), and Treasury Order in London Gazette of 7th Dec. 1835, issued under the last Act.

tion in such Form and Words and under such Regulations as may be directed by the said Commissioners, and to be made and subscribed by the Person producing such Certificate, and by such further Declaration or Evidence, not upon Oath, as the said Commissioners shall think fit to require.

2 & 3 Will. 4. c 59. (s. 8.)

LXXXIV. Upon Proof of the Existence of any Nominee upon whose Life any Annuity is depending being made, as in the last Section is specified, to the Satisfaction of the said Commissioners, their proper Officer shall issue to the Person entitled to any such Annuity a Warrant addressed to the Cashiers of the Bank of England for every half-yearly Payment of such Annuity which at the Time of such Proof shall be due.

10 Geo. 4. c. 24. (s. 29.)

LXXXV. Whensoever the said Commissioners shall have been satisfied by the Evidence produced before them, in conformity with Section Eighty-three, of the Existence of the Nominee, any Person entitled to any other Annuity depending upon the Life of the same Nominee shall be entitled to such Warrant as in the said Section is mentioned, without further Proof being required of him than a Declaration of the Identity of such Nominee with the Nominee of his own Annuity, which Declaration shall be made and subscribed by him, and lodged with the Commissioners.

10 Geo. 4. c. 24. (s. 22.)
2 & 3 Will. 4. c. 59. (s. 8.)

LXXXVI. Upon the Death of the Nominee, upon whose Life any such Annuity is depending, being proved to the Satisfaction of the said Commissioners, their proper Officer shall issue his Warrant, addressed to the said Cashiers, not only for every half-yearly Payment of the Annuity depending upon such Life which was in arrear at the Time of such Death to be made to the Party entitled thereto, but if Claim shall be made by such Party, or his personal Representatives or Assigns, within Two Years after such Death, for Payment of a Sum equal to One Fourth Part of the said Annuity, then also for such Fourth Part to be made to such Party on and from the half-yearly Day of Payment next succeeding such Death; but no such Fourth Part shall be claimable or payable in respect of any deferred or reversionary Life Annuity, unless at least One half-yearly Payment thereof shall have been received or beome payable at or before the Time of such Death.

10 Geo. 4. c. 24. (s. 28.),
1 & 2 Vict. c. 49. (s. 14.)

LXXXVII. For the Purpose of proving any Birth, Marriage, or Death under the Provisions aforesaid, any Certificate of the Registrar General of Births, Marriages, and Deaths or any Superintendent Registrar or Registrar thereof, made forth and issued in conformity with the Laws for regulating the Course of the Register Office, and accompanied with a Declaration of the Identity of the Person named in such Certificate, shall be held to be sufficient Evidence; and in case such Certificate shall not be forthcoming, any Extracts or Copies from the Registers of Births, Marriages, Deaths, or Burials kept by

People

People called Quakers, or in the Chapels of any Roman Catholic or other Non-conformist Congregations, [or in any Jewish Synagogues,] or in any other Chapels, not being parochial, such Extracts or Copies being certified under the Hands of the Persons having the Custody of such Registers, and accompanied with a written Declaration in such Form as the said Commissioners shall from Time to Time direct, and signed by the Party producing such Extracts or Copies, and stating the Identity of the Persons in such Extracts or Copies named, with the Nominees in proof of whose Births, Marriages, Deaths, or Burials the same shall be produced, may be received in Evidence by the said Commissioners.

The Words in Brackets [ ] are new.

LXXXVIII. Generally, for the Purposes specified in Sections Eighty-three and Eighty-six, the said Commissioners are at liberty to admit whatsoever Proofs they deem satisfactory, although the same may be not strictly conformable to the Laws of Evidence; and whenever it is proved to their Satisfaction that the Certificates mentioned in Sections Eighty-three or Eighty-seven cannot be obtained or produced, they are empowered to admit such other Evidence in substitution of the said Certificates as they shall think sufficient under the Circumstances of each particular Case.

10 Geo. 4. c. 24. (s. 45.), 1 & 2 Vict. c. 49. (s. 13.)

LXXXIX. Whensoever any such Warrant as is specified in Sections Eighty-four and Eighty-six shall be produced to the Cashiers of the Bank of England, they shall pay to the Person producing such Warrant the Sum expressed therein, and the said Warrant, underwritten by such Person, shall be retained by them as their Voucher for such Payment.

2 & 3 Will. 4. c. 59. (s. 8.)

XC. The said Commissioners shall also, whensoever applied to by any Person standing possessed in their Books of any Life Annuity, who may be desirous of purchasing of them any other Life Annuity upon the Life of the Nominee of the First Annuity, make out, sign, and deliver to such Purchaser such Certificate, and transmit to the said Bank such Duplicate thereof, as in Section Eighty is mentioned, without requiring any fresh or further Evidence of the Particulars specified in Section Eighty-one, and such Certificate shall be available for such Period as in Section Eighty is specified, and on producing and lodging the same at the said Bank, the said Purchaser shall be entitled to complete his said intended Purchase, and receive his Acquittance in such Manner as therein expressed.

10 Geo. 4. c. 24. (ss. 1 . and 31.)

XCI. Any Person soever, on producing to and lodging with the said Commissioners a Declaration in Writing under his Hand, in such Form as they shall from Time to Time appoint, containing his Proposal to purchase from them an Annuity to depend on the Life of a Person who shall happen to be the Nominee of some other Annuity previously

10 Geo. 4. c. 24. (s. 19.)

viously sold by them to some other Person, and stating the Identity of such Nominee with the Person whom such Declarant shall propose as his own Nominee, may, if the Commissioners shall deem his Proposal to be in other respects admissible, lawfully purchase of them such Annuity, under the Provisions of this Chapter, without the Production of any fresh or further Evidence of the Particulars specified in Section Eighty-one.

10 Geo. 4 c. 24. (s. 34.)

XCII. Where a Purchase is effected under either of the Two last Sections, the Consideration for the same may be any Sum of Money, or of Public Stocks or Annuities, not being of less Value than Twenty Pounds in Three per Cent. Bank Annuities, according to the average Price of Bank Annuities, to be ascertained as by Section Seventy-nine is directed.

26 Geo. 3. c. 31. (ss. 7. and 8.), 10 Geo. 4. c. 27. (ss. 4., 5., and 13.)

XCIII. All Principal or Capital Stocks or Public Annuities transferred to the said Commissioners by way of Consideration for the Sale of any such Annuities as aforesaid shall, from Time to Time, and immediately upon the same being transferred to their Account in the respective Books wherein the same respectively shall happen to be transferable, be subject in all respects to the Directions contained in Section Sixty-nine with respect to Stocks or Annuities purchased or redeemed by the said Commissioners, and they shall cancel the same accordingly; and all Sums of Money received by them by way of Consideration for the Sale of any such Annuities shall from Time to Time, and immediately when so received, be paid into their Account at the Bank of England, and go to and constitute Part of the said Sinking Fund, and become applicable accordingly.

3 & 4 Will. 4. c. 14.
5 & 6 Will. 4. c.
7 & 8 Vict. c. 83.

XCIV. The Provisions of the foregoing Twenty-one Sections shall extend, so far as the same are applicable, to all Sales of Annuities effected, with the Consent of the said Commissioners, by the Trustees or Managers of any Savings Bank, Parochial Society, or Friendly Society, to any Depositors or other Persons to whom such Trustees or Managers are or may be empowered by the Laws relating to such Institutions to contract for such Sales, with such Consent as aforesaid, save and except so far as the said Provisions are varied or modified by the Conditions next follow-ing; (that is to say,)

3 & 4 Will. 4. c. 14. (s. 5. and 6.)

1. Tables shall be prepared and adopted, and from Time to Time (if necessary) altered or discontinued, and new ones prepared and adopted, under the Direction of the Lords of the Treasury, whereby the Money Values of all Annuities to be sold by such Treasurers or Managers, with the Consent of the said Commissioners, according to the Provisions of this Section, may be ascertained; and all such Annuities shall be sold according to the Values stated in such Tables for the Time being; and, previously to adopting or using any such original or amended or substituted Tables respectively, the said Commissioners shall duly notify the same by Advertisement in the London Gazette, in such Form as shall be approved by

by the said Lords of the Treasury; and every Purchaser or Possessor of any such Annuity shall be entitled to receive the same to such yearly Amount as shall have been specified in the Tables used at the Time of such Purchase:

2. No Annuity sold to or possessed by any One Individual shall in the whole exceed Thirty Pounds nor be less than Four Pounds per Annum (a Husband and his Wife being, for the Purposes of this Provision, to be estimated as Two Individuals): 3 & 4 Will. 4. c. 14. (s. 2.), 7 & 8 Vict. c. 83. (s. 8.)

3. With the Consent of the Commissioners, Annuities sold by them may be received, or the yearly or other Payments for the same may be made by the Purchasers thereof respectively, through the Hands of the Trustees or Managers of any Savings Bank, Parochial Society, or Friendly Society, other than that at which such Purchaser originally contracted for the Purchase thereof: 3 & 4 Will. 4. c. 14. (s. 4.)

4. There shall be kept a separate Account by the said Commissioners of all Life Annuities sold by them under the Provisions of this Section, and another separate Account of all Annuities for Terms of Years sold by them under the same Provisions: 3 & 4 Will. 4. c. 14. (s. 8.)

5. The Lords of the Treasury, upon being certified by the said Commissioners from Time to Time of the Amount of half-yearly Payments falling due on each of the quarterly Days appointed for the Payment of Annuities charged on the said Fund, shall forthwith direct by Warrant the Issue from Time to Time out of the Consolidated Fund of the Sums specified in every such Certificate: 3 & 4 Will. 4. c. 14. (s. 10.)

6. The Purchaser of any Annuity under this Section may bequeath the same by his Testament, or his next of Kin, in the event of his Intestacy, shall succeed thereto after his Death, if the same shall after his Death continue to be payable; but, except by Act of Law, and in the event of the Bankruptcy or Insolvency of any such Purchaser, no Annuity purchased under this Section shall be transferable to another during the Lifetime of such Purchaser; and in the event of such Bankruptcy or Insolvency the said Commissioners are empowered, upon Payment to the Assignees of such Bankrupt or Insolvent of the Value thereof, calculated according to the Table upon which the same was orginally purchased, to re-purchase the same, and thereupon the same shall become extinguished and cease to be payable: 3 & 4 Will. 4. c. 14. (s. 17.)

7. In case any Person shall have made any annual Payment or Payments in respect of the Consideration payable by him for any Annuity sold to him under this Section, and afterwards such Person or his personal Representatives shall happen to make default in any future Payment, or if such Person shall die before his Annuity shall become payable, in either of the said Cases the Amount of Payments made by such Person shall be repaid to him 3 & 4 Will. 4. c. 14. (s. 18.)

or his personal Representatives, by the said Commissioners, out of Monies standing in their Names at the Bank of England under this Chapter.

3 & 4 Will. 4. c. 14. (s. 24.)

XCV. The said Commissioners are empowered to retain and reserve from Time to Time so much of the Monies paid to or placed to their said Accounts under Section Ninety-four, as shall in their Opinion be expedient for the Purpose of enabling them to repay any annual Payments in the Cases specified by the said Section; and, subject to such Right of Retainer, all Monies so paid in or placed to their Accounts as aforesaid shall be from Time to Time invested by the said Commissioners, under such Regulations as they shall think fit, in the Purchase of Exchequer Bills, Bank Annuities, or any other Annuities at their Discretion; and such Exchequer Bills, Bank Annuities, and other Annuities, when so purchased, shall be carried to the respective Accounts specified in Section Ninety-six, and the said Exchequer Bills and Annuities shall be immediately cancelled; and all Payments in respect of such said Annuities, when so purchased by the said Commissioners, shall cease from and after the Day of such Purchase.

9 Geo. 4. c. 92. (s. 11.), 5 & 6 Will. 4. c. 57. 7 & 8 Vict. c. 83. (s. 1.), 13 & 14 Vict. c. 115. (s. 38.)

XCVI. There shall be kept in the respective Books of the Governor and Company of the Bank of England and the Governor and Company of the Bank of Ireland an Account denominated "The Fund for the Banks for Savings and Parochial Societies," and another Account denominated "The Fund for Friendly Societies," and any Sums of Money (being not less than Fifty Pounds each) may be paid into the said respective Banks, to the Account of the Commissioners for the Reduction of the National Debt, by any Two or more of the Trustees or Managers of any Savings Banks, Parochial Societies, or Friendly Societies, and may be carried to the said Accounts respectively, and managed by the said Commissioners in manner following; (that is to say,)

9 Geo. 4. c. 92. (ss. 11., 14., and 34.), 3 & 4 Vict. c. 73. (s. 4.), 7 & 8 Vict. c. 83. (ss. 1. and 2.), 13 & 14 Vict. c. 115. (s. 38.), 15 & 16 Vict. c. 65. (s. 3.)

1. Such Trustees or Managers shall first satisfy the said Commissioners, by such Declarations, Returns, and Accounts as the said Commissioners shall require, that the Provisions of the Laws relating to such Banks or Societies (as the Case may be) have been duly observed with respect to the said Sums of Money and the raising thereof, and that such Trustees or Managers are duly authorized by Law to pay the said Sums to the said Commissioners; and if any such Declarations, Returns, or Accounts shall contain any false Statement, by which the said Commissioners shall have been induced to accept any such Payment, the same shall be forfeited to the said Commissioners:

9 Geo. 4. c. 92. (ss. 11. and 16.) 13 & 14 Vict. c. 115. (s. 38.)

2. Upon any such Payment being made the Cashiers of the Bank of England or (as the Case may be) of the Bank of Ireland where the

the same shall have been made shall grant to such Trustees or Managers Receipts for the same, dated on the Day of such Payment, bearing Interest at the Rate of Three Pounds Five Shillings per Centum per Annum from such Date, and payable, with the Principal, at the Banks of England and Ireland respectively, out of any Monies there standing to the Account or at the Disposal of the said Commissioners as they shall direct:

3. The whole of the Monies so paid in to the Account of the said Commissioners shall be immediately, when accepted, invested by them in their own Names in the Purchase of Bank Annuities or Exchequer Bills, or both, and carried to that One of the Two said Accounts to which the same shall belong: 9 Geo. 4. c. 92. (s. 15.)

4. All such Interest shall, so long as the same shall continue to be from Time to Time payable, be twice in every Year computed by the said Commissioners, and placed to the Credit of the Savings Bank, Parochial Society, or Friendly Society on whose Account the Payment represented by such Receipt was made, within Sixty Days after the half-yearly Day of Payment whereon the same became payable, and the same shall thereupon be carried to and written on the Account of such Savings Bank or Society, and thenceforth become Principal, and carry Interest after the said Rate from the Day after the said half-yearly Day of Payment, and a further Receipt, to bear Date the Day after such half-yearly Day, shall be accordingly granted by the said Commissioners for the Amount of every Payment of Interest so made Principal. 9 Geo. 4. c. 92. (s. 17.) 7 & 8 Vict. c. 83. (s. 13.)

XCVII. No Order or Draft for Payment of Money, to be drawn on the said Commissioners by any Trustees or Managers of any such Savings Bank or Society, shall be honoured by the said Commissioners, unless the same be drawn in such Form and the Execution thereof attested as required by the Laws for regulating such Savings Banks or Societies, nor until Fourteen Days at the least after an Appointment (duly executed and attested, and in Form approved by the said Commissioners,) of the Person authorized to receive Payment of such Order or Draft shall have been deposited with the said Commissioners according to Law. 9 Geo. 4. c. 92. (s. 18.) 5 & 6 Will. 4. c. 57

XCVIII. The Commissioners shall accept of the Trustees or Managers of any Savings Bank or Parochial Society whatsoever Sum of Money they shall from Time to Time ascertain and certify to be the net Amount of any Surplus of the Joint Stock or Property of such Savings Bank or Society beyond the Rate of Interest payable to the Depositors at such Savings Bank or Society, and shall pay over to the said Commissioners, under the Provisions of the Laws relating to Savings Banks and Parochial Socities; and the said Commissioners 9 Geo. 4. c. 92. (ss. 23. and 24.) 5 & 6 Will. 4. c. 57

shall thereupon discharge the said Sum from the Account of such Savings Bank or Society standing in their Books, and charge the same to a separate and distinct Account, and shall manage and apply the said Sum in such Manner and under such Regulations from Time to Time as by Section Ninety-six directed with respect to Investments to be made by Trustees or Managers of Savings Banks, Parochial Societies, or Friendly Societies.

9 Geo. 4. c. 92. (ss. 15. and 50.)

XCIX. All Interest or Income arising from Time to Time on any Exchequer Bills or Bank Annuities purchased with or out of any Monies or any Produce of Monies belonging to any Savings Bank, Parochial Society, or Friendly Society, or any Depositors in such Institutions respectively, shall from Time to Time, when and as the same become payable, be invested by the said Commissioners in the Purchase of like Annuities or Bills, as the Case may be, and shall constitute and form Part of the Funds belonging to them on account of such Institution or Depositors respectively.

Geo. 4. c. 92. (ss. 50. and 54.) & 4 Will. 4. c. 14. (s. 25.)

C. The said Commissioners are empowered to sell from Time to Time, at their full Discretion, all or any Part of the Bank Annuities at any Time standing in their Names in the Books of the Banks of England and Ireland respectively under the Authority of the Provisions of this Chapter which relate to Savings Banks, Parochial Societies, or Friendly Societies, and to apply the whole or any Part of the Monies produced by such Sales in the Purchase of Exchequer Bills, Bank Annuities, and Annuities for Terms of Years, or any or either of them.

9 Geo. 4. c. 92. (ss. 50. to 53.)

CI. In return for all Sums of Money laid out in the Purchase of Exchequer Bills by the said Commissioners, in the Discharge of their Duties under the Laws relating to Savings Banks, Parochial Societies, or Friendly Societies, the Lords of the Treasury, on receiving such Certificate thereof as by Section One hundred and thirty-four is directed, are empowered to cause the Governor and Company of the Bank of England to enter and place to the Credit of the said Commissioners in the said Accounts respectively there standing in their Names the like Amount of Stock in the Three Pounds per Centum Bank Annuities, to be charged upon the Consolidated Fund, and payable and transferable at the said Bank, as the said Sums, if laid out in the Purchase thereof, would have purchased according to the quarterly average Price at which Purchases (if any) of such Annuities may have been effected during the same Quarter of the Year with Monies belonging to the Sinking Fund; and the said Annuities, when so received, and the growing Income thereof, shall constitute and form Part of the Funds belonging to the Commissioners on account of the respective Institutions out of whose Monies such Exchequer Bills were purchased.

CII. So

CII. So often as any Exchequer Bills issued to the said Commissioners under the Authority of Section Twenty-one shall have been discharged with Monies belonging to the Sinking Fund there shall be transferred from any Account standing in the Names of the said Commissioners in the Books of the Bank of England or Bank of Ireland, under the Authority of the Laws relating to Savings Banks, Parochial Societies, or Friendly Societies, as the Case may be, into the Account standing in their Names at the said Banks respectively, and denominated "The Account of the Commissioners appointed by Act of Parliament for applying certain Sums of Money annually to the Reduction of the National Debt," such an Amount of Bank Annuities as shall by Computation, to be made according to the average Price of such Annuities on the Day of such Transfer thereof, be ascertained by the said Commissioners "to produce the Principal Sum and Interest of all such discharged Bills;" and the same shall, when so transferred, become Part of the said Sinking Fund, and be applicable accordingly; and of every such Transfer, and of the Amount and Description of Annuities so transferred, a Certificate shall be transmitted on the same Day to the said Commissioners by the proper Officer of the Bank at which the same shall have been so effected. 9 Geo. 4. c. 92. (s. 57.)

CIII. The Governors and Companies of the Banks of England and Ireland respectively are empowered to advance from Time to Time to the said Commissioners such Sums of Money, on the Credit of any Exchequer Bills which shall have been issued to or purchased by them under the Authority of Sections Twenty-one and Ninety-nine respectively, at such Times and under such Regulations, for the Purposes of this Chapter, as the said Commissioners shall agree with the said Governors and Companies respectively. 9 Geo. 4. c. 92. (s. 56.)

CIV. If the Trustees or Managers of any Savings Bank, Parochial Society, or Friendly Society shall neglect or refuse to prepare, or transmit to the Commissioners for the Reduction of the National Debt, within Nine Weeks after the Twentieth Day of November in any Year, such general Statement of the Funds of such Institution, invested in the Banks of England and Ireland respectively in the Names of the said Commissioners up to the said Twentieth Day of November, in Manner and Form required by Law, the said Commissioners shall, upon the Expiration of the said Nine Weeks, forthwith notify such Neglect or Refusal, together with the Name of such Institution, by Advertisement thereof in the London Gazette and also in the Newspapers published in the County wherein such Institution is situate, and in case of any such Neglect, or Default or any other Neglect, Geo. 4. c. 92. (s. 46.) 3 & 4 Will. 4. c. 14. (s. 30.) 7 & 8 Vict. c. 83. (s. 13.)

or Disobedience of the Requirements of the Law or the Orders or Directions of the said Commissioners, by the Trustees or Managers of any such Institution, the said Commissioners are empowered to close their Account, and to discontinue (until such Trustees or Managers shall, to the Satisfaction of the said Commissioners, comply with such Requirements, Orders, or Directions, or until such Time as the said Commissioners shall think fit,) the keeping of any further Account with such Trustees or Managers, and to direct the Governors and Companies of the said Banks of England and Ireland accordingly.

9 Geo. 4. c. 92. (s. 58.) The Words in Brackets [] are new.

CV. For the better Performance of their Duties relating to Savings Banks, Parochial Societies, [and Friendly Societies] in Ireland, the said Commissioners are empowered to pay into the Bank of England from Time to Time any Sums of Money to be placed to their Credit with the Governor and Company of the Bank of Ireland, and to be carried by the said Governor and Company to their proper Account with the said Bank of Ireland, and to be applicable as if the same had been originally paid them into their said Account with the said Bank.

9 Geo. 4. c. 92. (s. 34.)

CVI. All Deposits, Subscriptions, Payments, or Sums of Money or Stocks, forfeited by any Person or Institution to the said Commissioners for the Reduction of the National Debt, by way of Penalty imposed by the Laws relating to Savings Banks, Parochial Societies, or Friendly Societies shall be forthwith paid into, or placed, carried, or transferred at, the Bank of England or Bank of Ireland, (as the Case may be,) by the Person having the Custody of the Particulars so forfeited, to "The Account of the Commissioners for applying certain Sums of Money annually to the Reduction of the National Debt," and the same shall be so applied accordingly.

8 & 9 Vict. c. 27. (ss. 1., 2., and 6.), 12 & 13 Vict. c. 71. (s. 6.)

CVII. There shall be kept at the Bank of England a separate Account, raised in the Names of the said Commissioners, and denominated "The Fund for the Military Savings Banks," and all Monies which the Secretary-at-War for the Time being shall from Time to Time in pursuance of the Laws relating to Military Savings Banks, or to the Disposal of charitable or other Funds belonging to Regiments of the Line, by Warrant authorize to be paid into the said Account shall, upon the said Commissioners being first certified thereof by Production of such Warrant, be paid in accordingly, and shall thereupon from Time to Time (unless the Secretary-at-War shall otherwise direct) be invested by the said Commissioners, under such Regulations as they may direct, in the Purchase of any Bank Annuities in their Names, and be carried to the said Account, and all the growing Income thereof, and of all further Investments, shall be from Time to Time received and invested by them in like Manner, and the said Monies, Annuities, and Income shall not be subject to the Provisions of the

the Laws relating to other Savings Banks, but shall be held by the said Commissioners at the Disposal of the Secretary-of-War, who shall dispose of the same in trust for the Non-commissioned Officers and Soldiers of the Army to whom the same shall belong.

CVIII. The said Commissioners shall from Time to Time, within Fourteen Days after the lodging at their Office of any Warrant signed by the Secretary-of-War, directing them to pay over any of the said Monies or Income to the Account of the Paymaster General at the said Bank, or to sell and transfer any of the said Annuities, and pay over the Produce thereof to such last-mentioned Account, pay over such Monies or Produce in pursuance of such Warrant. 8 & 9 Vict. c. 27. (ss. 3. and 4.)

CIX. The other Powers and Duties of the said Commissioners incidental to the Constitution or Management of Savings Banks, Parochial Societies, and Friendly Societies, and not included among the Provisions of any of the foregoing Sections, are specified in the Chapter of

CX. The said Commissioners are empowered, after deducting all the Expenses incurred in recovering any Penalty or Forfeiture imposed by Law for any Offence, and recovered by or for Her Majesty or the said Commissioners, against the Laws relating to the Redemption of National Debt, to cause any Portion, not exceeding One Half of the net Amount thereof, to be paid to any Informer or Informers who may appear to them entitled thereto in respect of the Recovery of such Penalty or Forfeiture. 10 Geo. 4. c. 24. (s. 43.)

CXI. Subject to the Provisions of the last Section, the net Amount of every such Penalty or Forfeiture as therein mentioned shall, when recovered by or for Her Majesty, belong to and become Part of the Consolidated Fund, and when recovered by or for the said Commissioners shall belong to and become Part of the Sinking Fund, and be severally applicable accordingly. 10 Geo. 4. c. 24. (s. 43.)

CXII. *The Duties of raising and paying to the United Company of Merchants of England trading to the East Indies such Sums of Money as the Court of Directors of the said Company shall by Requisition to the said Commissioners declare necessary for the Payment of the said Company's Dividend, by reason of Failure or Delay in the Remittance of the Funds appropriated to such Payment, and of making Sale, Transfer, or Deposit by way of Mortgage of a competent Part of the Security Fund of the said Company, for the Purpose of raising such* 3 & 4 Will. 4. c. 85. (s. 15.)

Sums (subject to the Approbation of the Board of Commissioners for the Affairs of India), and the causing the Amount so raised and paid to be repaid to the Account of the said Fund, with Interest, are severally intrusted to the Commissioners for the Reduction of the National Debt, to be exercised by them subject to the Approbation of the Board of Commissioners for the Affairs of India.*

* This was the Intention, but by an Error in the Wording of the Clause ("said Court" instead of "said Board") the Restriction is at present inoperative.

3 & 4 Will. 4. c. 85. (s. 14.)

CXIII. *All Monies paid into the Bank of England on account of the Security Fund mentioned in the last Section shall be carried to a separate Account of the said Commissioners for the Reduction of the National Debt with the Bank of England, intituled "The Account of the Security Fund of the East India Company," and under the Direction of the said Commissioners, the Cashiers of the said Bank shall from Time to Time invest the same, together with the accruing Amounts of Compound Interest thereon after the Rate of Three Pounds Ten Shillings per Centum per Annum, in the Purchase of Capital Stock in any redeemable Public Annuities, in the Names of the said Commissioners, on account of the said Security Fund, and to be transferable at the said Bank, and shall also from Time to Time receive the Dividends payable on all such Capital Stock, and placed to the said Account, until the whole of the Sums so received shall amount to the Sum of Twelve Millions.*

CXIV. In addition to the several Powers and Duties herein-before assigned unto the said Commissioners, they shall from Time to Time undertake and perform any special or extraordinary Powers or Duties specified or referred to in Section Twenty-three as Parliament may from to Time determine.

26 Geo. 3. c. 31. (ss. 16. and 22.)

CXV. The Order of the said Commissioners shall be at all Times a sufficient Authority to and shall be obeyed by the Governor and Company of the Bank of England, for issuing, or paying of Monies or transferring of Annuities, or Stocks to or to the Account of the sai Commissioners, or any Person whom they shall at any Time notify, by Writing under their Hands addressed to the said Governor and Company, to have been appointed by them on their Behalf, accept or make Transfers or Payments, or to accept or give Receipts or Acquittances, or to represent them in the Transaction of any other Business of their Department, in pursuance of the general Powers and Authorities in them by Law vested; and the Cashier of the said Bank shall give Security to their good Liking for duly performing the Trusts reposed in him by Law in relation to the Matters aforesaid.

CXIII. The

CXVI. The Twelve following Sections provide for the Disposal of Stocks and Annuities remaining unclaimed during the Periods therein mentioned.

CXVII. All Government Annuities whatsoever granted by the said Commissioners which shall have expired, and all Annuities for Lives granted by the said Commissioners which shall have remained unclaimed for not less than Three Years next preceding the Fifth Day of January in any Year shall, together with all Half-yearly Arrears of such expired and unclaimed Annuities respectively, cease to be chargeable upon or issuable out of the Consolidated Fund from and after the several Days whensoever such Annuities respectively expired or became unclaimed for the Period aforesaid, subject nevertheless to the Rights of Persons lawfully claiming the same; and in the event of any Claims being preferred thereto respectively by any such Persons, and (in Cases where the Annuities so claimed are Annuities upon Lives) duly supported by the Production of the personal Appearance, or the Proofs of the Existence of the Nominees thereof respectively, as required by Sections Eighty-three, Eighty-seven, and Eighty-eight, the said Commissioners are empowered to reinstate the Government Annuities so claimed, and to charge the same and all Arrears thereof respectively upon the Consolidated Fund; and such Annuities and Arrears shall be paid to such Claimants out of any Monies standing to the Account of the said Commissioners in the Books of the Governor and Company of the Bank of England.

10 Geo. 4. c. 24. (s. 39.), 2 & 3 W. 4. c. 59. (s. 11.)

CXVIII. Subject to the Provisions of the last Section all unclaimed Capital Stock, Exchequer Bonds, Annuities, Dividends, or Interest constituting any Part of the National Debt, (except only in Cases where the making of Claims to or in respect of any Stocks, Bonds, Annuities, Dividends, or Interest shall be restrained by the Order or Injunction of some competent Court,) and all Arrears of Dividends, Interest, or Payments due in respect of the same, shall, after remaining so unclaimed for the Space of at least Ten Years next preceding the last Day upon which any Dividend, Interest, or Payment shall have become due in respect of the same, together with all Dividends, Interest, or Payments which may have accrued and become payable since the said Day, be transferred and paid respectively to the Commissioners for the Reduction of the National Debt at the Bank of England, and carried to their Account in the Books of the Governor and Company of the said Bank.

56 Geo. 3. c. 60. (ss. 1., 2., and 3.), 10 G. 4. c. 24., 2 & 3 W. 4. c. 59. (s. 11.), 7 & 8 Vict. c. 80., 8 & 9 Vict. c. 62. (s. 1.), 16 & 17 Vict. c. 23 (ss. 33. and 35.)

CXIX. In computing the Period of Ten Years in the last Section mentioned, the Years during which the Payment of any Bills, Annuities,

16 & 17 Vict. c. 23. (s. 34.)

nuities, Dividends, or Interest formerly constituting any Part of the said National Debt, and commuted or exchanged into any of the Stocks, Bonds, or Annuities in the last Section specified, may not have been claimed, shall be taken into account for the Purpose of making up the said Period.

56 G. 3. c. 60. (ss. 1 & 3.)

CXX. Every Transfer to be made under Section One hundred and eighteen shall be signed by the Officer making the same; and immediately after such Transfers respectively the respective Amounts and Dates thereof, together with the respective Names, Residences, and Descriptions of the respective Parties in whose Names such Stocks or Annuities stood immediately before such Transfers thereof respectively, shall be entered upon a List to be kept for that Purpose at the Bank, and also in "a Duplicate Register of such List," to be kept for that Purpose at the Office of the said Commissioners, and the said List so kept at the said Bank shall be open for Inspection there at the usual Hours of Transfer at such Bank.

56 Geo. 3. c. 60. (s. 2.)
16 & 17 Vict. c. 23.

CXXI. Every such Transfer shall be as good, valid, and effectual for all Purposes as if made and signed by the Party in whose Name the said transferred Stocks or Annuities stood at the Time of such Transfer; and all Parties concerned in making or accepting such Transfer shall be indemnified and saved harmless in respect thereof, and shall not be in any way responsible therefor to any Person claiming any Interest whatsoever in the Stocks or Annuities so transferred.

56 Geo. 3. c. 60. (s. 3.).
8 & 9 Vict. c. 62. (s. 1.)

CXXII. All the said Arrears so transferred, and all future Dividends or Payments of such transferred Stocks and Annuities respectively, and all Balances of Sums issued for paying the Principals of Stocks and Annuities, which shall not have been demanded for the said Period of Ten Years, shall be from Time to Time paid to the Account of the said Commissioners, and invested by them in the Purchase of other like Capital Stock, to be placed to a separate Account, called "The Account of unclaimed Dividends," and so from Time to Time as the Dividends thereof, and the Principals of Stocks and Annuities, and the Payment of Annuities respectively become due and can be so invested; and the said Stocks, Annuities, Arrears, Dividends, Payments, and Investments respectively, and the Produce of the same, "shall be held by the said Commissioners for the Public," subject to such Claims for Re-transfer, or for Payment of Dividend, as may be thereafter made thereto respectively by Parties claiming any Title or Interest in the same.

CXXIII. No

CXXIII. No Re-transfer of such Capital Stock, or Payment of such Dividend, to or to the Order of any such Claimant, shall be made where such Capital Stock or Dividend shall exceed the Amount of Twenty Pounds, nor of any Terminable Annuity exceeding One Pound per Annum, except after Three Months from such Claimant's First Application for the same, and after he shall have given Notice thereof to the Governor and Company of the said Bank, in such Form as they shall require, and, if they shall so require, by public Advertisement of such Notice; and every such Notice shall specify all the material Particulars of every such Claim, and the Title on which it is founded. 8 & 9 Vict. c. 62. (s. 2.)

CXXIV. Subject to the Provisions of the last Section, the said Commissioners are empowered (if such Claim shall to them appear just or legal) to direct the Re-transfer of the claimed Capital Stock or Annuities, and also the Payment of the Dividends or Payments thereof, and of the said Balances (if any), or the Transfer of the Investments of the same Dividends, Payments, and Balances respectively (as the Case may be) to be made by the Governor and Company of the Bank of England to such Person, or else (if such Claim shall not to them appear just or legal) to refuse to direct such Re-transfer, Payment, or Transfer respectively, and in case of such Refusal such Claimant shall be at liberty to prefer a Petition, stating and verifying the Claim of such Person in the Premises, in a summary Way, to the High Court of Chancery, wherein Her Majesty's Attorney General and the said Commissioners shall be named as the Respondents, and upon such Petition the said Court shall then make such Order thereon touching such Re-transfer, Payment, and Transfer respectively, and also touching the Costs of such Petitioner and of the Parties Respondent in the Matter of the said Petition, as to the said Court shall seem just, which Order shall be final and conclusive upon all Parties; and if the Order of the said Court shall not make other Provision for the Costs of the said Attorney General and Commissioners respectively, such Costs shall be paid or retained (as the Case may be) by the said Commissioners, out of any Dividends or Annuities which may have been received by them under the foregoing Sections, and in respect of which no lawful Claim of Payment or Re-transfer shall have been made. 56 Geo. 3. c. 60. (s. 5.)

CXXV. At any Time after any such Order, but before actual Transfer of Capital Stock or Annuities, or Payment of Dividends under the same, the Court of Chancery is empowered to rescind, alter, or vary the same, upon the Application of any Person whomsoever, and whether by Motion or Petition, and to make any other Order in lieu thereof. 8 & 9 Vict. c. 62. (s. 3.)

CXXVI. In the event of any new Claimant to any such Stocks, Annuities, Dividends, Arrears, Balances, or Investments appearing after any such Re-transfer, Payment, or Transfer thereof respectively as in 56 Geo. 3. c. 60. (s. 7.)

the last Section mentioned, the said Commissioners and the said Governor and Company of the Bank of England respectively, and the said Officers thereof, shall not be responsible to such new Claimant for or in respect of such Re-transfer, Payment, or Transfer, but the said new Claimant shall have recourse in the said Court of Chancery against the Person to whom such Re-transfer, Payment, or Transfer was so made or paid as aforesaid; and if such new Claimant shall establish his Right in that Behalf against such Person, and yet shall not be able to obtain Restitution or Satisfaction in respect of such Right from such Person, then the said Court of Chancery shall, upon the Application by Petition of such new Claimant, verified to the Satisfaction of the said Court, order the said Commissioners to make such Compensation unto such new Claimant by Transfer of Stocks or Annuities standing in the Names of the said Commissioners, or Payment of Dividends, Annuities, Balances, or other Monies at the Disposal of the said Commissioners, to such Amount respectively as to the said Court shall seem just.

8 & 9 Vict. c. 62. (s. 5.)

CXXVII. The Lords of the Treasury are empowered to cause *the Governor and Company of the Bank of England* to investigate the Circumstances under which any Stocks, Annuities, or Dividends managed by *the said Governor and Company* have remained unclaimed for any Length of Time whatsoever, with the view of ascertaining the Owners thereof.

8 & 9 Vict. c. 62. (s. 5.)

CXXVIII. *Over and above the Allowances for Management of the National Debt specified in Section Forty-eight, the said Governor and Company are empowered to receive from Time to Time whatsoever additional Compensations and Allowances the Lords of the Treasury may from Time to Time think fit to direct to be paid unto them for their Trouble and Expenses respectively in or about such Re-transfer of Stock or Annuities, or Payment of Dividends to Claimants, or such Investigations, under the last Ten Sections; and all such additional Compensations and Allowances shall either be deducted by the said Governor and Company rateably out of the Stocks, Annuities, or Dividends in respect whereof such Trouble or Expenses were incurred, or else be paid unto them by the said Commissioners for the Reduction of the National Debt out of the Stocks and Dividends held by them under the Provisions of Sections One hundred and eighteen and One hundred and twenty-two, and in respect whereof no lawful Claim of Re-transfer or Payment shall have been made.*

CXXIX. The Ten Sections next immediately following provide for the taking and rendering of the Accounts of the several Public Departments and Banks authorized or directed to execute or to superintend the Execution of the Laws relating to the National Debt, and the Reduction and Redemption thereof.

CXXX. The

CXXX. The Governor and Company of the Bank of England shall cause to be made up, as soon as may be after the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, an Account down to each of the said quarterly Days of all such Government Annuities for Years granted by the Commissioners for the Reduction of the National Debt as shall have remained unclaimed for the Space of Ten Years next immediately preceding each of such quarterly Days respectively; and the said Governor and Company shall, as soon as possible after the Fifth Day of January in every Year, cause to be made out a further Account of all such Government Life Annuities granted by the said Commissioners as shall have remained unclaimed for the Space of Three Years next immediately preceding the said last-mentioned Day [and the said Governor and Company shall cause the said Accounts to be kept at the said Bank, and duly notified according to the usual Course, for the Information of the said Commissioners and the Public].

10 Geo. 4. c. 24. (s. 39.) 2 & 3 Will. 4. c. 59. (s. 11.) Neither of these Enactments prescribe what is to be done with the Accounts when made out.

The Words in Brackets [ ] are new.

CXXXI. The said Governor and Company shall also cause to be prepared, and transmitted to the Commissioners for the Reduction of the National Debt, on every Day on which any Bank Annuities whatever shall have been bought at the said Bank, an Account of the average Price at which all or any of such Annuities were bought on that Day.

10 Geo. 4. c. 24. (s. 9.)

CXXXII. Within Five Days after every Entry made at the said Bank under Section One hundred and one of Annuities to the Account of the said Commissioners the said Governor and Company shall cause a Certificate of the Amount of such Annuities to be made to the said Commissioners.

9 Geo. 4. c. 92. (s. 51.) This Provision has been hitherto rendered inoperative by an accidental Transposition of Words from s. 52 to s. 51 of the Act.

CXXXIII. *The Governors and Companies of the Banks of England and Ireland shall, on or before the Fifteenth Day of March, the Fifteenth Day of June, the Fifteenth Day of September, and the Fifteenth Day of December, in every Year, transmit to the Lords of the Treasury, and also to the Commissioners for the Reduction of the National Debt, or to such other Department as the Lords of the Treasury shall appoint, their respective Certificates of the Total Amount of all Stocks, Funds, and Annuities which shall have been written into their respective Books, pursuant to Section Fifty-seven, in the course of the Half Year then immediately preceding, and which Interest, Dividend, or Payment will on such Day become payable, and also the total Amount of the several Stocks or Annuities transferred to and from the said Banks respectively since the Quarter Day then immediately preceding, and of the yearly Interest or Produce of such Stocks or Annuities so transferred.*

5 Geo. 4. c. 53. (ss. 16. and 18.)

CXXXIV. The Commissioners for the Reduction of the National Debt shall, within Fourteen Days next preceding the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, prepare and transmit to the Lords of the Treasury the quarterly Documents following; (that is to say,) *an Account of the Amount chargeable on the Consolidated Fund upon or for such quarterly Days respectively in respect of half-yearly Payments of Tontine and other Annuities for Lives (not being Annuities granted or sold by the said Commissioners), and in every such Statement of Amount the said Commissioners shall deduct therefrom the Amount of Annuities with Benefit of Survivorship chargeable on Account of any Lives which at any Time heretofore have been nominated by the said Lords, and during which such Annuities are reserved for the Use of the Public: And also* a Certificate of the Amount of Annuities payable under Section Ninety-four the half-yearly Payments whereof shall from Time to Time become due on the said quarterly Days respectively: And also a Certificate of the Amount of Principal and Interest paid for all such Exchequer Bills (if any) as may have been purchased by them during the said Quarter, under Sections Ninety-five, Ninety-six, Ninety-Nine, and One hundred,

30 Geo. 2. c. 19., 5 Geo. 3. c. 23., 19 Geo. 3. c. 18., 29 Geo. 3. c. 41., 30 Geo. 3. c. 45., 2 & 3 Will. 4. c. 59. (s. 12.)

3 & 4 Will. 4. c. 14. (s. 10.)

9 Geo. 4. c. 9. (s. 51.)

and of the Amount and Description of Three per Cent. Annuities, which might have been purchased therewith according to the average quarterly Prices ascertained, as by Sections Seventy-eight, Seventy-nine, and Ninety-four directed.

10 Geo. 4. c. 27. (s. 1.), 4 & 5 Will. 4. c. 15. (s. 24.)

CXXXV. Four Times in every Year, that is to say, on or within Thirty Days next after every Fifth Day of January, every Fifth Day of April, every Fifth Day of July, and every Fifth Day of October respectively, the Lords of the Treasury shall cause to be prepared an Account of the actual Receipt and Expenditure of the United Kingdom for the whole of the Year immediately preceding, and ending with the quarterly Day whereon or within Thirty Days next after which such Account shall have been prepared, and the same shall be distinguished according to the last Four Quarters, ending with each of the said Four several quarterly Days, and shall be made out, so far as possible, according to the actual Receipt of Money at the Bank of England on the Accounts of the Exchequer, and of Credits granted thereout by the Warrants of the Comptroller, or otherwise according to the actual Receipts and Issue of Monies at the Receipt of the said Exchequer.

The Utility of this Section consists in its obviating much and frequent Repetition for the future. The Period after the Meeting of Parliament is generally, although not universally, fixed at 14 Days, and for the sake of Uniformity I have adopted it.

CXXXVI. The Accounts and Documents in the next following Sections enumerated shall be respectively made up, prepared, and presented or transmitted to Parliament or elsewhere by the several Officers and Departments therein named at such Times and in such Manner as by the said Sections respectively prescribed, save that whensoever it shall happen that Parliament is not sitting at any Period thereby appointed for the presenting of any such Documents to Parliament the same shall be presented to Parliament by the Officers or Departments therewith respectively charged within Fourteen Days after the next re-assembling of Parliament.

CXXXVII. There shall be annually prepared and presented to Parliament, at the Times hereinafter mentioned, the Accounts and Documents following; (that is to say,)

56 Geo. 3. c. 98. (s. 22.) The "Financial Accounts" are annually made out under this Act (the Consolidated Fund Act), although bearing on their Title Page to be made out under the 42 Geo. 3. c. 70., which was superseded by the first. I have also incorporated the Accounts of Deficiency Bills under the 57 Geo. 3. c. 48. (s. 14.)

1. By the Lords of the Treasury, on or before every Twenty-fifth Day of March, an Account, for the Year ending on the Fifth Day of January next immediately preceding, of the total Income of the United Kingdom, specifying under their respective Heads of Account the several ordinary Revenues and extraordinary Resources thereof for the Year; and an Account of the net Produce of all the permanent Taxes of the said Kingdom for the Year; and an Account of the Income and Payments out of the Consolidated Fund of the said Kingdom for the Year, and of the future annual Charge upon the said Fund; and an Account of the Public Expenditure of the said Kingdom for the Year; and an Account of the National Debt of the said Kingdom, funded and unfunded, and the Reduction thereof, for the Year; and a particular Account of Exchequer Bills made out and issued during the Year under Section Twenty, for the Purpose of supplying any Deficiency found in the quarterly

57 Geo. 3. c. 48. (s. 14.)

Accounts of the Income and Charge of the Consolidated Fund for the several Quarters of the Year; and an Account of the Application of all Supplies granted by Parliament for the Service of the said Kingdom for the Year; and an Account of the Arrears and Balances due from all Public Accountants for the Year; and an Account of the Exports and Imports of the said Kingdom, and of the Shipping registered in or belonging to the respective Dominions of Her Majesty, for the Year:

4 & 5 Will. 4. c. 15. (s. 27.)

2. And by the said Lords, on or before every Fifth Day of April, Copies of all Rules Orders, and Regulations, and a Return describing all Books and Forms of Accounts and Vouchers which, during the Year next immediately preceding the said Fifth Day of April, shall have been ordered and prescribed by the said Lords for the Use or Direction of the said Treasury, or the Bank of England, or the several Public Offices:

3. By the Commissioners for the Reduction of the National Debt, on or before the Fifteenth Day of February in every Year, an Account for the Year ending on the Fifth Day of January immediately preceding of all Sums of Money, Government Annuities, and Bank Annuities respectively placed to their Account in the Books of the

the Governor and Company of the Bank of England, distinguishing such of the said Annuities as may have been retained in the said Books to their said Account, and such of them as may have been cancelled by the said Commissioners, and such of them as may have expired within the said Year, and the respective Amounts and Particulars of such Sums of Money and Annuities respectively, and a like Account of all the Portions of the National Debt purchaseds redeemed, or paid off within such Year by the said Commissioners, and of the respective Prices paid by them for the same, and of their Expenditure in and about the Execution of the Powers and Duties in them by Law in that Behalf vested. 26 Geo. 3. c. 31. (s. 18.)

4. By the said Commissioners on or before the Twenty-fifth Day of March in every Year, an Account of the gross Amount of all Stocks and Annuities, and the Particulars of such Stocks and Annuities, and of all Sums of Money, transferred and paid respectively to the said Commissioners during the Year ending on the Fifth Day of January next preceding in consideration of Annuities sold by the said Commissioners during the said Year; and an Account of the gross Amount of such Annuities so sold during the same Year, distinguishing the Natures and Kinds of such Annuities respectively, and distinguishing also such of the Sums of Money respectively as shall have been received from, and such of the said Annuities respectively as shall have been sold to, Depositors in Savings Banks, Parochial Societies, or Friendly Societies, or other Persons, under the Provisions of Section Ninety-four; and a like Account, made up to the Twentieth Day of November then next preceding, of the gross Amount of all Sums, including Interest, received and credited, and of all Sums paid, including Interest, from the Sixth Day of August One thousand eight hundred and seventeen to the said Twentieth of November, by the said Commissioners, on account of the Trustees or Managers of Savings Banks and Parochial Societies, and on account of Friendly Societies, distinguishing the said Institutions respectively; and also an Account of the gross Amount of all Sums of Money, Stocks, Funds, Annuities, and Exchequer Bills standing in the Names of such Commissioners on the said Twentieth Day of November on account of such Institutions respectively; and also an Account for the Year ending on the said Twentieth Day of November of all Considerations paid by them up to the said Day for the Purchase of such Stocks, Annuities, or Bills, and of the gross Amount of Dividends or Interest thereon respectively received by them up to the said Day, and also of the gross Amount of Interest paid by them up to the said Day on all Receipts granted or issued to any such Trustees or Managers, and also of the Expenses incurred by them during such Year in carrying on the Business of the Execution of the Laws relating to such Institutions respectively: 10 Geo. 4. c. 24. (s. 50.), 3 & 4 Will. 4. c. 14. (s. 23.), 9 Geo. 4. c. 92. (s. 48.) There appears to be no good Reason for requiring the Accounts mentioned in the 9 Geo. 4. c. 92. (s. 48.) to be made up to the 20th November, but I have no Authority to propose any Alteration.

5. And by the said Commissioners, on or before the First Day of April in every Year, a Statement of the gross Amount of all Monies received and paid by them under Section One hundred and seven during the Year ending on the Fifth Day of January next preceding. & 9 Vict. c. 27. (s. 5.)

6. By the Governor and Company of the Bank of England, on or before the Nineteenth Day of January in every Year, an Account of all Public Securities which the said Governor and Company may have purchased during the Year ending on the Fifth Day of the same Month, or on which they may during such Year have lent or advanced Money for the Public Service, distinguishing the Amount of such of the said Securities as may have been paid off or discharged before the making up of such Accounts, and the Amount of such of the said Securities as shall at the Time of making up such Accounts be in the Hands of the said Governor and Company. 59 Geo. 3. c. 76. (s. 5.) The 19th January in this and the next Division, is substituted for "within 14 Days after the 5th Day of January" limited by the Act.

7. By the said Governor and Company, on or before the Nineteenth Day of January in every Year, Copies of all Applications (if any) made to the said Bank during the course of the Year ending with the said Day by the Lords of the Treasury under Section Twenty-two, and of all Minutes of the Proceedings thereon, and of all Answers thereto, and also an attested Account of all Government Securities whatever purchased by them or deposited with them on Loans or Advances for the Public Service during such 59 Geo. 3. c. 76. (s. 2.)

such Year, distinguishing the Amount of such of the said Securities as have been paid off or discharged before the making of the said Account, and the Amount of such as were at that Time still in their Hands undischarged.

26 Geo. 3. c. 31. (ss. 17. & 18.)

8. And by the said Governor and Company, on or before the Fifteenth Day of February in every Year, an Account for the Year ending on the Fifth Day of January next immediately preceding of all Sums of Money, Government Annuities, and Bank Annuities respectively placed in their Books to the Account of the Commissioners for the Reduction of the National Debt, or cancelled by the said Commissioners, or expired, respectively, within such Year, distinguishing in such Account the respective Amounts and Particulars of such Sums of Money and Annuities.

3 & 4 Will. 4. c. 14. (s. 7.)
4 & 5 Will. 4. c. 15. (s. 19.)
48 Geo. 3. c. 1. (s. 17.)

CXXXVIII. From all Calculations, Payments, and Accounts of Public Annuities grantable by the Commissioners for the Reduction of the National Debt the fractional Parts of a Shilling to a less Amount than One Sixpence shall be excluded, and from all other Calculations, Payments, and Accounts of Annuities, Dividends, or Interest accruing upon Public Debts, or of Public Revenues, or of any other Public Monies, the fractional Parts of a Penny shall be excluded.

26 Geo. 3. c. 31. (s. 19.)

CXXXIX. Whensoever any of the Accounts directed by Section One hundred and thirty-seven, and specified by the Divisions thereof numbered therein respectively Three and Eight, and shall be presented to Parliament by the Governor and Company of the Bank of England, or the Commissioners for the Reduction of the National Debt, the said Commissioners or Governor and Company (as the Case may be) shall on the same Day transmit Duplicates thereof respectively to the Commissioners for auditing the Public Accounts, and the said last-named Commissioners shall from Time to Time, after the End of that Session of Parliament, proceed with all convenient Speed to examine and finally determine the same according to the Course of their Department.

48 Geo. 3. c. 1. (s. 16.)
57 Geo. 3. c. 34. (ss. 9 and 51.)
3 Geo. 4. c. 86. (s. 11.)
10 Geo. 4. c. 24. (s. 46.)
4 & 5 Will. 4. c. 15. (s. 25.)

CXL. No Fees or Allowances, by way of Deduction or otherwise, or other Rewards, shall be paid or received upon the making out, Issue, Application, or Payment of any Public Securities, or for the granting any Annuity, Certificate, or other Document with reference to such Securities, or (save where expressly provided by this Chapter) for the Management of the National Debt or the Reduction thereof.

5 G. 4. c. 53. (s. 21.),
10 G. 4. c. 24. (s. 45.)

CXLI. The Forms of all Declarations, Certificates, or other Instruments for carrying into execution Laws relating to Collection or Receipt of Revenue, or the Expenditure thereof in the National Debt, or Redemption or Reduction thereof, or the Grant, Transfer, or Payment of Public Funds or Annuities, shall be from Time to Time regulated by the Officers in charge of the several Departments for the Management of such Monies respectively, under the Direction or Approval of the Lords of the Treasury; and any such Declaration or Instrument, where not by Law appointed to be otherwise taken or subscribed, shall be taken or subscribed before such Officers respectively, or any of their Assistants whom they shall select for that Purpose, or else before any Justice of the Peace or Magistrate for the Place wherein the same shall be so taken or subscribed.

29 G. 3. c. 41., 5 G. 4. c. 53. (s. 21.), 2 & 3 W. 4. c. 59. (s. 10.), 5 & 6 W. 4. c. 62. (ss. 2 and 4.)

CXLII. When any Order, Certificate, or Authority for a Public Security, or for the Transfer or Delivery thereof, or for anything relating to such Security, shall have been lost, destroyed, defaced, or obliterated, and

and in case of the Loss or Destruction of the same, Proof thereof is made by such Declarations or other Evidence as to the Officers concerned in making forth and issuing the same shall be satisfactory; or, in case of the Defacement or Obliteration of such Order, the same is produced before them, the said Officers are empowered to make forth and sign a new Order, Certificate, or Authority, in such Form as they shall think fit, and to issue or substitute the same in the Place of such first-mentioned Order, Certificate, or Authority, and (if they shall so think fit) to require and take from the Party to whom or in whose Favour they shall so issue or substitute the same such Security, in case of the Production of the Instrument (if lost or destroyed) in the Place whereof such new Order, Certificate, or Authority is or is to be so issued or substituted; and every such new Instrument, when so issued or substituted, shall be for all Purposes as good and valid as the original Document would have been.

CXLIII. When any Mistake or Error shall have been committed in the making or signing of any Order, Contract, Certificate, or other Instrument used in the Execution of the Laws relating to the Public Securities, or the Sale or Transfer thereof, the proper Officers charged with such Execution are empowered to make such Correction or Amendment in such Instrument, or otherwise to rectify such Mistake or Error as they may deem expedient.

5 G. 4. c. 53. (s. 21.), 10 G. 4. c. 24 (s. 45.)

CXLIV. The Laws of Criminal and Civil Procedure shall apply to all such Prosecutions, ctions, and Suits respectively as may be instituted in respect of any of the Matters or Things authorized, directed, or forbidden in this Chapter, subject to the Provisions of Sections One hundred and twenty-four and One hundred and twenty-five, and subject also to the Provisions of the Twenty-two Sections next herein-after contained.

CXLV. Whosoever shall forge, counterfeit, or alter, or aid in forging, counterfeiting, or altering, or shall utter or publish as true, or aid in so uttering or publishing, knowing the same to be forged, counterfeited, or altered, any Order, arrant, Certificate, davit, Affi rmation, Declaration, Instrument, Copy, Attestation, or Writing whatsoever relating to the Receipt or Issue of Public Monies at or from the Exchequer, or at or from any Bank to the Account of the said Exchequer, or relating to any Public Stock, Fund, or Annuity, shall incur the Penalties of the Third Class.

4 & 5 Will. 4. c. 15. (s. 28.) This Enactment seems to have escaped the Notice of the Criminal Law Commissioners when preparing their Digest, Article 8. of Chap. VIII. s. 1. ("Offences relating to public Chattels, Funds, and Securities,") consolidates the Provisions of the 48 Geo. 3. c. 142. (s. 27.), 49 Geo. 3. c. 64. (s 2.), 52 Geo. 3. c. 129. (s. 8.), 57 Geo. 3. c. 34. (s. 63.), 3 Geo. 4. c. 86. (s. 54.), 10 Geo. 4. c. 24. (s. 41.), and 2 & 3 Will. 4. c. 59., but none of these meet the Case of the 4 & 5 Will. 4. c. 15. (s. 28.) I have endeavoured to supply the Omission by incorporating the omitted Enactment with the Article as framed by the Criminal Law Commissioners, although in some respects it appears to relate to Matters belonging to the next Section.

CXLVI. Whosoever shall forge any Debenture, Deed, Bond, Writing, Obligation, Bill, Note, Undertaking, Warrant, Draft, Order, or other Security for Money or for the

The Provisions of the 48 Geo. 3. c. 1. (s. 9.) as altered by the 11 Geo. 4 a

1 Will. 4. c. 66. (ss.3. and 31.) as to forged Exchequer Bills in particular, have been thus reproduced by the Criminal Law Commissioners in their Digest of the Law generally, with respect to all forged Bills and Securities, (Chap. 20. Art. 23.). As to Exchequer Bonds, see the 16 & 17 Vict. c. 23. (s. 41.)

the Payment of Money, or any Indorsement on or Assignment of any such Security, where such Security is assignable at Law, or any Instrument or Writing, by whatsoever special Name or Description designated, which is in Law an Acceptance of a Bill of Exchange, or any Acquittance or Receipt or accountable Receipt for Money, Goods, or any valuable Security, or any Scrip Receipt, either with or without the Name of any Person being inserted therein as a Contributor or Payer, or any Warrant, Order, or Request for the Delivery or Transfer of Goods or of any valuable Security, or any Certificate, required by the Law, of the Transfer of any Stock, Funds, Annuities, Bonds, or Debentures, or for the Payment or Return of any Money, or any Certificate, Affidavit, Affirmation, Instrument, or Writing whatsoever, for or in order to the receiving or obtaining of Money, Goods, or any valuable Security, shall incur the Penalties of the Fourth Class.

5 & 6 Vict. c. 66. (s. 9.), 16 & 17 Vict. c. 132. (s. 10.) In preparing this Section the Criminal Law Digest (Ch. 14. s. 2. Art. 2.) has been my Guide. I have, however, thought it better to omit all Mention of "Authority" derived from the Boards of Treasury and Excise, for the former are empowered, 5 & 6 Vict. c. 66. (s. 7.), to supersede by Minute the Provision, in that respect, of the Act of Parliament.

CXLVII. Whosoever, not being lawfully authorized thereto, and without lawful Excuse (the Proof whereof shall lie on the Party accused), shall make or procure to be made, or aid in making, or have in his Possession, or take or aid in taking of any Impression of any Paper provided or used in making Exchequer Bills or Exchequer Bonds, or any Instrument employed for making any Paper in the Substance of which Paper or in which Instrument there shall be or appear any Words, Letters, Figures, Marks, Lines, or other Devices, or any Part of such Devices respectively, peculiar to and appearing in the Substance of any Paper provided or used in making Exchequer Bills or Exchequer Bonds, or any Machinery for working any Materials into the Substance of any such Paper, or any such Materials (such Machinery or Materials being intended to imitate any such Devices or Parts of Devices respectively) or any Plate peculiarly employed for printing Exchequer Bills or Exchequer Bonds, or any Die peculiarly employed either for preparing any such Plate or for sealing Exchequer Bills or Exchequer Bonds, or any Plate or Die intended to imitate any of such Plates or Dies respectively, shall incur the Penalties of the Tenth Class.

5 & 6 Vict. c. 66. (s. 10.), 16 & 17 Vict. c. 132. (s. 11.) Criminal Law Digest, Ubi supra, Art. 3.

In both Acts it is here added, "or any such Plate or Die as aforesaid," and the Digest contains the same; but the Insertion is a Mistake; the Offence of having such in possession being by the previous Clause made a Felony, and not a Misdemeanor. I have thefore omitted the Words in question.

CXLVIII. Whosoever, not being lawfully authorized, and without lawful Excuse (the Proof whereof shall lie on the Party accused), shall purchase or receive or take and have in his Custody any Paper manufactured and provided by or under the Directions of the Commissioners of Inland Revenue, or the Lords of the Treasury, or such other Department as the said Lords shall have thereunto authorized or directed, for the Purpose of being used in making Exchequer Bills or Exchequer Bonds, before such Paper shall have been duly stamped, signed, and issued for public Use, shall incur the Penalties of the Eleventh Class.

Criminal Law Digest, Chap. 5. Sect. 4. (Art. 15.) See the Marginal Note to Section *infra*.

CXLIX. Where any Oath, Affirmation, or Declaration is by any of the Provisions of this Chapter directed or authorized to be made or subscribed, any Person making or subscribing such Oath, Affirmation, or Declaration, knowing the same to be untrue in any material Particular, shall (except in the Cases specified in the Three Sections next after contained) incur the Penalties of the Twelfth Class.

Criminal Law Digest, Chap. 5. Sect. 4 Arts. 5 and 12.)

CL. Whosoever shall, in any judicial Proceeding whatsoever, to be had under any of the Provisions of this Chapter, swear or affirm or declare, affirmatively or negatively, as to his Knowledge, Remembrance, Information, or Belief, not knowing or believing that which he swears, affirms, or declares to be true, shall incur the Penalties of the Ninth Class.

CLI. Whosoeve-

CLI. Whosoever shall knowingly and wilfully make and subscribe any Declaration "untrue in any particular," for the Purpose of proving the Life of any Nominee on whose Life any Government Annuity may be depending, shall incur the Penalties of the Eighteenth Class.

2 & 3 Will. 4. c. 59. (s. 5.) The Penalty specified is 100*l.* I do not observe this Provision in the Criminal Law Digest, (see Chap. 8. Sect. 1. Art. 13.), and I do not know whether it be intended that a general Provision, visiting all "Deceits on Public Officers" with the Penalties of the Twelfth Class, (Chap. 4. Sect. 5. Arts. 1. and 2.), or the general Provision respecting Declarations substituted for Oaths (Chap. 5. Sect. 4. Art. 15., supra Sect. 149., and infra Sect. 152.), shall apply to this particular Offence in future.) Compare Note 4. in the Fourth Report of the Criminal Law Commissioners, p. 69.) It may be added, that the Fifth Section of the 5 & 6 Will. 4. c. 62., which makes every false Declaration a Misdemeanor, but inflicts no specific Penalty, is expressly limited to Deceits in "*material* Particulars," and, moreover, it would seem to be narrowed by the first Portion of the Section to Deceits on the Officers of Customs, Excise and Stamps, and the Post Office.

CLII. Whosoever shall, with Intent to deceive the Commissioners for the Reduction of the National Debt, make or subscribe any Declaration relating to any Annuity sold or to be sold by the said Commissioners, and not provided for by the Three last Sections respectively, shall incur the Penalties of the Twelfth Class.

10 G. 4. c. 24. (s. 44.) Although not absolutely necessary, this last Section will be found useful, to complete the Three preceding it.

CLIII. Whosoever shall, with Intent to obtain any Annuity, or any Rate or Amount of Annuity, from the Commissioners for the Reduction of the National Debt, contrary to the Provisions of Sections Eighty-one and Ninety-six, produce or cause to be produced to the said Commissioners any Certificate or Declaration containing any untrue Statement of the Age of any Person proposed or appointed to be a Nominee of such Annuity, shall forfeit to the said Commissioners all Interest in such Annuity, and all Monies, Stock, or Annuities (if any) paid or transferred by way of Consideration for the Sale to him of the same, and shall also incur the Penalties of the Seventeenth Class.

10 Geo. 4. c. 24. (s. 40.) Much the same Observation as at Sect. 151. applies to this and the next Section. The Penalty specified in each Case is Fine of 500*l.*, besides Forfeiture of Interest.

CLIV. Whosoever shall knowingly and wilfully receive, for the Use of himself or of another Person, any Payment not authorized by Section Eighty-six or Section Ninety-four upon any Life Annuity sold by the Commissioners for the Reduction of the National Debt, after or beyond the Time whereon such Annuity ought wholly to cease, in consequence of the Death of any Nominee, shall forfeit to Her Majesty treble the Amount of all Money so received, and shall also incur the Penalties of the Seventeenth Class.

10 Geo. 4. c. 24. (s. 42.)

CLV. Whosoever, being a Governor, Deputy Governor, Manager, Assistant, or Member of the Company of the Bank of England or of the Company of the Bank of Ireland, shall, upon the Account of the said Corporations respectively, and without lawful Authority, purchase any public Land or Revenue, or shall (except in cases where "a Credit of Loan is or shall be granted by Parliament,") advance or lend, or consent or agree to, or approve of the advancing or lending by the said Corporations respectively of any Sum of Money by way of Loan or Anticipation on the Public Revenue or any Part thereof, to Her Majesty, otherwise than as the said Corporations and the Officers and Members thereof are respectively empowered to do by any of the Pro-

Section XXII.. 5 & 6 Will. and Mary c. 20. (s. 29.) This Enactment provides that only One Fifth of the Sum so recovered shall go the Informer. As all modern *Qui tam* Acts give him the Moiety, and uniformity is desirable, I have ventured to make the Alteration.

Provisions of this Chapter, shall for every such Offence forfeit and pay treble the Value of every such Sum of Money, Stock, or Annuities so advanced or lent; and the same shall be recoverable by Action of Debt, Bill, Plaint, or Information to be instituted in such Manner as by Section One hundred and sixty-four is provided.

8 & 9 Will. 3. c. 20. (s. 60.), 10 Anne c. 18. (s. 134.)

CLVI. Whosoever shall directly or indirectly take or receive any Sum of Money or other Reward for Brokerage in or about the obtaining or disposing of any Public Securities, or for soliciting or procuring any Contract in that Behalf, over and above the Sum of Two Shillings and Ninepence for every Hundred Pounds, and so rateably for every lesser Sum, shall for every such Offence forfeit and pay the Sum of Twenty Pounds, to be recovered in such Manner as by Section One hundred and sixty-four is provided.

7 Geo. 2. c. 8. (s. 9.)

CLVII. Whosoever, being a Broker, or negotiating or acting as a Broker for Brokerage in obtaining or disposing of any Public Securities, shall not keep "The Broker's Book" as by Section Nine in such Case provided, or shall wilfully enter in such Book any untrue Statement respecting any Contract he shall have made touching any such Securities, or omit truly to enter therein such Contract, or such of the Particulars thereof as he is by Law required to enter therein, shall for every such Offence forfeit and pay the Sum of 50*l.*, to be recovered in such Manner as by Section One hundred and sixty-four is provided.

7 Geo. 2. c. 8. (s. 4.)

CLVIII. Whosoever, for himself or for others, shall make, negotiate transact, write, or execute, for himself or for others, any Contract upon which any Premium, or Consideration in the Nature of a Premium, shall be given or paid, or stipulated to be given or paid, for Liberty to put upon, or deliver, accept, or refuse, any Public Security, or any Part, Share, or Interest therein, or shall make, negotiate, transact, write, or execute any Contract in the Nature of any such Puts or Refusals, or in the Nature of any Wager relating to the actual or any future Price of any such Public Security, or shall lay any such Wager, and shall not (if he be One of the Parties to such Contract) voluntarily, before Action or Suit commenced against him in respect of the Premises or any of them, actually, bonâ fide, and without Covin or Collusion, repay, or tender before a Witness or Witnesses, whatsoever Premium, Consideration, or Monies he may have taken, received, or been paid in respect of such Premises or any of them, shall for every such Offence forfeit and pay the Sum of Five hundred Pounds, to be recovered in such Manner as by Section One hundred and sixty-four is provided.

7 Geo. 2. c. 8. (s. 5.)

CLIX. Whosoever shall voluntarily compound, make up, pay, take, or receive any Difference Money, or other Consideration whatsoever, for not delivering, transferring, having, or receiving any Public Securities agreed to be delivered, transferred, had, or received, or for the Nonperformance of any Contract in that Behalf in any other Particular, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered in such Manner as by Section One hundred and sixty-four is provided.

7 Geo. 2. c. 8. (s. 8.)

CLX. Whosoever shall make, or consent to the making on his Behalf of, any Contract to deliver or transfer any Public Securities whereof or whereto he shall not at the Time of making such Contract be actually possessed or beneficially entitled, shall for every such Offence forfeit and pay the Sum of Five hundred Pounds, to be recovered in such Manner as by Section One hundred and sixty-four is provided.

7 Geo. 2. c. 8. (s. 8.)

CLXI. Whosoever shall negotiate, transact, or intermeddle, as Broker, Agent, or otherwise in the making or procuring of any such Contract as in the last Section is specified, knowing that the Person so making or consenting to such Contract is not at the Time of such Contract actually possessed of or beneficially entitled to the Securities concerning which such Contract shall be made, shall for every such Offence forfeit and

and pay the Sum of One hundred Pounds, to be recovered in such Manner as by Section One hundred and sixty-four is provided.

CLXII. All Actions under Section Seven must be instituted within Six Months after the making of the respective Contracts or the laying of the Wagers on which the same shall be founded; and in every such Action the Declaration shall simply allege that the Defendant is indebted to the Plaintiff in the Amount sought to be recovered, without setting forth the special Matter of the Case; and any such Action may be instituted in any Court of Record, and the Plaintiff therein shall, if he obtain Judgment, recover the Amount thereof, with Double Costs of Suit. 7 Geo. 2. c. 8. (s. 1.)

CLXIII. Bills of Discovery of the Particulars enumerated in Sections Seven and One hundred and fifty-eight respectively may be filed by any Plaintiffs, Relators, or Informers (on giving, at the respective Times of filing such Bills, good Security for the full Costs of Suit to be incurred by the Defendants in case such Costs shall be adjudged unto them), against any Persons liable to be sued for or in respect of the same; and every Defendant therein named shall answer and make full Discovery upon Oath of all Matters inquired after by the said Bill, notwithstanding that such Answer or Discovery may tend to criminate such Defendant; and every such Defendant, in the event of his making full and true Answer and Discovery to such Bill, shall be for afterwards freed and discharged from all Liability to any Penalties by him incurred in respect of the Matters so discovered by him. 7 Geo. 2. c. 8. (ss. 2., 3., and 4.)

CLXIV. Actions of Debt, Bills, Plaints, or Informations for the Recovery of the Sums specified in Sections One hundred and fifty-five, One hundred and fifty-six, One hundred and fifty-seven, One hundred and fifty-eight, One hundred and fifty-nine, One hundred and sixty, and One hundred and sixty-one, and to be forfeited and payable by the Persons therein respectively mentioned, may be brought by any Persons who shall think fit to sue for the same; but all such Actions, Bills, Plaints, or Informations shall be commenced and prosecuted in One of the Superior Courts of Record at Westminster; and of such Sums, when recovered, One Moiety shall be paid to the Use of Her Majesty, and the other Moiety to the Use of the Persons suing for the same [besides their full Costs of Suit]. 7 Geo. 2. c. 7. (ss. 4., 5., 8., and 9.)

CLXV. For or in respect of all Acts, Matters, or Things wilfully done or suffered, or omitted to be done, in any Department of the Civil Service or in the Bank of England, in conducting, superintending, or controlling the Management of the National Debt, or the Securities constituting the same, or the Redemption or Reduction thereof, or in relation to the Premises respectively, any Person aggrieved or injured thereby or interested therein, either directly or collaterally may institute against the Superior Officer or Officers of such Department or Bank for the Time being such Action, Suit, or legal Proceeding, and recover such Damages or other Remedy, and such Costs, as in the like case he might have instituted and recovered against any private Persons in case the like Act, Matter, or Thing had been done, suffered, or omitted by such private Person, and the Lords of the Treasury shall direct all Damages and Costs, when so recovered, to be paid to such Person out of any of the Aids or Supplies voted by Parliament for the Public Service; and no Defendant thereto whatsoever shall be liable to be arrested, seized, or detained in Execution for or in respect of the same; and in case of any original or substituted Defendant thereto before Judgment dying or being removed from the Office in respect whereof, or of his Act, Sufferance, or Omission of the Duties whereof such Action, Suit, or Proceeding shall have been instituted, nevertheless the same shall not thereby abate, but shall continue in full Force against the Successor of such Defendant in his said Office. 2 & 3 Will. 4. c. 59. (s. 15.)

10 Geo. 4. c. 24. (s. 51.)

CLXVI. Any such Action, Suit, or Proceeding as in the last Section is specified, shall within Three Months next after the doing of the Act, Matter, or Thing whereon it is grounded, but not later, be commenced against such Person, and he may plead the General Issue thereto, and give this Act and the special Matters in Evidence at the Trial thereof, and shall have Treble Costs against the Plaintiff therein, if the said Plaintiff shall therein be nonsuit or discontinue, or if the Jury find against him, or Judgment be given against him upon Demurrer in the same.

The Object of this Section is merely to preserve whatever Vestiges of their Common Law Jurisdiction may still belong to the Treasury or the Exchequer, according to the Course of those Departments.

CLXVII. Except where otherwise by this Chapter expressly provided, the Officers who have the Control, Direction, or Management of the Matters and Things to which the said Provisions relate shall continue to control, direct, or manage the same.

This Section embodies in a few Words, and prospectively, the Substance of the common Indemnity Clause in Acts relating to the National Debt. See, for instance, the 16 & 17 Vict. c. 23. (s. 36.) The Object of such a Provision it is impossible to conjecture: but, as no National Debt Act is without it, it could not with Propriety be omitted here. For the Definition of "Persons," I must refer to the general Interpretation Clauses appended to my Minute. I have also endeavoured to keep in view the Suggestions of Mr. Rogers and myself (Joint Minute, First Report, p. 120.), as to the future Method of amending Consolidation Acts.

CLXVIII. This Chapter, and any and every Amendment, Alteration, or Repeal of all or any of the Provisions thereof which may be from Time to Time made by or under the Authority of Parliament, shall be a full and complete Discharge and Indemnity, both at Law and in Equity, to all Persons whomsoever, for or in respect of whatsoever Things such Persons may at any Time hereafter do, permit, or omit, in pursuance of or in conformity with this Chapter or (as the Case may be) with such Amendment, Alteration, or Repeal.

The 13 & 14 Vict. c. 21. (s. 3.) requires all references to Statutes to be according to the usual Copies, "or to the Copies thereof contained in the Reports of the Commissioners of Public Records," which end with the Reign of Queen Anne; and which, always accurate, are referred to here, when they occur, instead of the ordinary Copies.

4 Will. and Mary cc. 3. and 5.

5 & 6 Will. and Mary cc. 5., 7., and 14., and c. 20. (ss. 1. to 18., 20. to 24., 29. and 33. to 48.)

6 & 7 Will. and Mary cc. 1., 3., 5. and 7.

7 & 8 Will. 3. cc. 2., 5., 10., 30. and 31.

8 & 9 Will. 3. cc. 3., 7., 20., (ss. 1. to 25., 27., 28., 29., 36., 38. to 44., 50., 51., and 52.,) 21. and 22.

9 Will. 3. cc. 5., 24., and 44.

10 Will. 3. c. 23.

CLXIX. From and after the Commencement of this Act the several Enactments herein after mentioned shall be repealed, except as to the Recovery and Application of any Penalty for any Offence against or Breach of any of the said Enactments committed before the Commencement of this Act; and the same are hereby repealed accordingly, that is to say, the Acts and Parts of Acts of the Parliaments of England and Great Britain respectively next herein-after referred to, according to the Copies thereof contained in the Collection of the Statutes of the Realm printed by Order of His late Majesty King George the Third in pursuance of an Address of the House of Commons, that is to say, the Acts and Parts of Acts passed in the Sessions of the Parliament of England holden in the Fourth and Fifth Years of King William the Third and Queen Mary, Chapters Three and Five; in the Fifth and Sixth Years of King William the Third and Queen Mary, Chapters Five, Seven, and Fourteen, and Chapter Twenty, Sections One to Eighteen both inclusive, Sections Twenty to Twenty-four both inclusive, Section Twenty-nine, and Sections Thirty-three to Forty-eight both inclusive; in the Sixth and Seventh Years of King William the Third and Queen Mary, Chapters One, Three, Five, and Seven; in the Seventh and Eighth Years of King William the Third, Chapters Two, Five, Ten, Thirty, and Thirty-one; in the Eighth and Ninth Years of King William the Third, Chapters Three and Seven, Chapter Twenty, Sections One to Twenty-five both inclusive, Sections Twenty-seven, Twenty-eight, and Twenty-nine, Section Thirty-six, Sections Thirty-eight to Forty-four both inclusive, and Sections Fifty, Fifty-one, and Fifty-two, and Chapters Twenty-one and Twenty-two; in the Ninth Year of King William the Third, Chapters Five, Twenty-four, and Forty-four; in the Tenth Year of King William the Third, Chapter Twenty-three; in

in the Eleventh Year of King William the Third, Chapter Three; in the Twelfth and Thirteenth Years of King William the Third, Chapter Eleven and Chapter Twelve, Sections One to Twenty-two both inclusive, and Sections Twenty-four and Twenty-five; in the Thirteenth and Fourteenth Years of King William the Third, Chapter Five; in the First Year of Queen Anne, Statute One, Chapters Seven and Fifteen, and Statute Two, Chapters Three and Four; in the Second and Third Years of Queen Anne, Chapters Nine and Eighteen; in the Third and Fourth Years of Queen Anne, Chapters Two, Fourteen, and Seventeen; in the Fourth and Fifth Years of Queen Anne, Chapters Seventeen, Eighteen, and Twenty-three; and in the Sixth Year of Queen Anne, Chapters Two, Five, and Twenty-seven; and the Acts and Parts of Acts passed in the Sessions of the Parliament of Great Britain holden in the said Sixth Year of Queen Anne, Chapters Thirty-five, Thirty-eight, Thirty-nine, Fifty, and Seventy-three; in the Seventh Year of Queen Anne, Chapters Three, Thirty, and Thirty-one; in the Eighth Year of Queen Anne, Chapters Three, Five, Ten, Twelve, and Fourteen; in the Ninth Year of Queen Anne, Chapter Six, Chapter Seven (save and except Section Fifteen), and Chapters Twelve, Thirteen, Fifteen, and Sixteen; in the Tenth Year of Queen Anne, Chapters Seven, Eighteen, and Nineteen; in the Twelfth Year of Queen Anne, Chapters One and Two; and in the Thirteenth Year of Queen Anne, Chapters Two, Eighteen, Twenty-two, and Twenty-four; and also the Acts and Parts of Acts of the Parliaments of Great Britain and of Ireland, and of the United Kingdom of Great Britain and Ireland respectively next herein-after referred to, according to the Copies of such Acts respectively printed by the Queen's Printer, that is to say, the Acts and Parts of Acts passed in the Sessions of the Parliament of Great Britain holden in the First Year of King George the First, Statute One, Chapter One, and Statute Two, Chapters Two, Twelve, Nineteen, Twenty-one, Thirty-six, and Forty-three; in the Third Year of King George the First, Chapters Four, Seven, Eight, and Nine; in the Fourth Year of King George the First, Chapters Two, Three, and Ten; in the Fifth Year of King George the First, Chapters Two, Three, Nineteen, and Twenty; in the Sixth Year of King George the First, Chapters Two, Four, Ten, and Eleven; in the Seventh Year of King George the First, Statute One, Chapters One, Two, Five, Twenty, Twenty-seven, and Twenty-eight, and the whole of Statute Two; in the Eighth Year of King George the First, Chapters Two, Twenty, Twenty-one, Twenty-two, and Twenty-three; in the Ninth Year of King George the First, Chapters Three, Five, Six, Twelve, Nineteen, and Twenty-three; in the Tenth Year of King George the First, Chapters Two, Five, and Fourteen; in the Eleventh Year of King George the First, Chapters Eight, Nine, and Seventeen; in the Twelfth Year of King George the First, Chapters Two, Four, Twelve, and Forty-two; in the Thirteenth Year of King George the First, Chapters Three, Seven, Twenty-one, and Twenty-two; in the First Year of King George the Second, Statute One, Chapters One and Two, and Statute Two, Chapters One, Eight, and Nine; in the Second Year of King George the Second, Chapters One, Three, Six, Eight, and Eighteen; in the Third Year of King George the Second, Chapters Seven, Eight, and Twenty; in the Fourth Year of King George the Second, Chapters Five and Nine; in the Fifth Year of King George the Second, Chapters Six and Seventeen; in the Sixth Year of King George the Second, Chapters Twenty-five and Twenty-eight; in the Seventh Year of King George the Second, Chapters One, Eight, Eleven, Twelve, and Seventeen; in the Eighth Year of King George the Second, Chapters Eleven and Twelve; in the Ninth Year of King George the Second, Chapters Thirty-two and Thirty-four; in the Tenth Year of King George the Second, Chapters Eight and Seventeen; in the Eleventh Year of King George the Second, Chapter Twenty-seven; in the Twelfth Year of King George the Second, Chapter Nineteen; in the Thirteenth Year of King George the Second, Chapter Twenty-three; in the Fourteenth Year of King George the Second, Chapters Twenty-two and Forty-one; in the Fifteenth Year of King George the Second, Chapters

11 Will. 3. c. 3.
12 & 13 Will. 3. cc. 11. and 12. (ss. 1. to 22., 24. and 25.)
13 & 14 Will. 3. c. 5.
1 Anne stat. 1. cc. 7. and 15.
1 Anne stat. 2. cc. 3. and 4.
2 & 3 Anne cc. 9. and 18.
3 & 4 Anne cc. 2., 14., and 17.
4 & 5 Anne cc. 17., 18., and 23.
6 Anne cc. 2., 5., and 27.
6 Anne (G. B.) cc. 35., 38., 39., 50., and 73.
7 Anne cc. 3., 30., and 31.
8 Anne cc. 3., 5., 10., 12., and 14.
9 Anne cc. 6., 7. (ss. 1. to 14.) 12., 13., 15., and 16.
10 Anne cc. 7., 18., and 19.
12 Anne cc. 1. and 2.
13 Anne cc. 2., 18., 22., and 24.

See the 13 & 14 Vict. c. 21. (s. 3.) and the Note at the beginning of this Section. From the Accession of George the First, the numbering of the Chapters and Sections of Statutes is the same in all the Editions; but that is not the Case with the Statutes anterior to George the First.

1 Geo. 1. Stat. 1. c. 1. Stat. 2. cc. 2., 12., 19., 21., 36., and 43.
3 Geo. 1. cc. 4., 7., 8., and 9.
4 Geo. 1. cc. 2., 3., and 10.
5 Geo. 1. cc. 2., 3., 19., and 20.
6 Geo. 1. cc. 2., 4., 10., and 11.
7 Geo. 1. Stat. 2. cc. 1., 2., 5., 20., 27., and 28., and Stat. 2.
8 Geo. 1. cc. 2., 20., 21., 22., and 23.
9 Geo. 1. cc. 3., 5., 6., 12., 19., and 23.
10 Geo. 1. cc. 2., 5., and 14.
11 Geo. 1. cc. 8., 9., and 17.
12 Geo. 1. cc. 2., 4., 12., and 42.
13 Geo. 1. cc. 3., 7., 21., and 22.
1 Geo. 2. Stat. 1. cc. 1. and 2. Stat. 2. cc. 1., 8., and 9.
2 Geo. 2. cc. 1., 3., 6., 8., and 18.
3 Geo. 2. cc. 7., 8., and 20.
4 Geo. 2. cc. 5. and 9.
5 Geo. 2. cc. 6. and 17.
6 Geo. 2. cc. 25. and 28.
7 Geo. 2. cc. 1., 8., 11., 12., and 17.
8 Geo. 2. cc. 11. and 12.
9 Geo. 2. cc. 32. and 34.
10 Geo. 2. cc. 8. and 17.
11 Geo. 2. c. 27.
12 Geo. 2. c. 19.
13 Geo. 2. c. 23.
14 Geo. 2. cc. 22. and 41.
15 Geo. 2. cc. 3., 13., and 19.

16 Geo. 2. cc. 12. and 13.
17 Geo. 2. cc. 17., 18., and 33.
18 Geo. 2. cc. 9. and 22.
19 Geo. 2. cc. 6., 12., and 31.
20 Geo. 2. cc. 3., 5., 10. 34., 36., and 42.
21 Geo. 2. cc. 2., 10., 14., and 23.
22 Geo. 2. cc. 23. and 42.
23 Geo. 2. cc. 1., 16., 21., and 22.
24 Geo. 2. cc. 2., 4., 11., and 47.
25 Geo. 2. cc. 25. and 27.
26 Geo. 2. cc. 1., 3., 16., and 23.
27 Geo. 2. c. 10.
28 Geo. 2. cc. 15. and 22.
29 Geo. 2. cc. 7., 24., and 29.
30 Geo. 2. cc. 5., 19., 23., and 26.
31 Geo. 2. cc. 31. and 33.
32 Geo. 2. cc. 10., 22., 31., 33., and 36.
33 Geo. 2. cc. 7., 12., 18., 21., and 23.
1 Geo. 3. cc. 1., 5., 7., 18., 19., and 20.
2 Geo. 3. cc. 7., 8., 9., 10., 33., and 34.
3 Geo. 3. cc. 9., 12., 17., and 18.
4 Geo. 3. cc. 7., 13., 18., 23., and 25.
5 Geo. 3. cc. 16., 19., 23., 41., and 42.
6 Geo. 3. cc. 15., 21., 39., and 41.
7 Geo. 3. cc. 16., 24., 25., 26., and 54.
8 Geo. 3. Stat. 1. cc. 18., 29., 30., and 31.
9 Geo. 3. cc. 15., 33., 34., and 37.
10 Geo. 3. cc. 11., 36., 40., 46., and 52.
11 Geo. 3. cc. 25., 47., and 48.
12 Geo. 3. cc. 39., 53., and 63.
13 Geo. 3. cc. 64., 66., and 77.
14 Geo. 3. cc. 69., 76., 85., and 89.
15 Geo. 3. cc. 38., 41., and 42.
16 Geo. 3. cc. 34., 35., 45., and 49.
17 Geo. 3. cc. 21., 38., 46., 47., and 51.
18 Geo. 3. cc. 22., 38., 54., 57., and 64.
19 Geo. 3. cc. 18., 21., 63., 64., 71., and 73.
20 Geo. 3. cc. 16., 43., 53., 57., and 62.
21 Geo. 3. cc. 14, 41., 42., 57., 59., and 60.
22 Geo. 3. cc. 8., 34., 36., 47., 67., and 76.

Three, Thirteen, and Nineteen; in the Sixteenth Year of King George the Second, Chapters Twelve and Thirteen; in the Seventeenth Year of King George the Second, Chapters, Seventeen, Eighteen, and Thirty-three; in the Eighteenth Year of King George the Second, Chapters Nine, and Twenty-two; in the Nineteenth Year of King George the Second, Chapters Six, Twelve, and Thirty-one; in the Twentieth Year of King George the Second, Chapters Three, Five, Ten, Thirty-four, Thirty-six, and Forty-two; in the Twenty-first Year of King George the Second, Chapters Two, Ten, Fourteen, and Twenty-three; in the Twenty-second Year of King George the Second, Chapters Twenty-three and Forty-two; in the Twenty-third Year of King George the Second, Chapters One, Sixteen, Twenty-one, and Twenty-two; in the Twenty-fourth Year of King George the Second, Chapters Two, Four, Eleven, and Forty-seven; in the Twenty-fifth Year of King George the Second, Chapters Twenty-five and Twenty-seven; in the Twenty-sixth Year of King George the Second, Chapters One, Three, Sixteen, and Twenty-three; in the Twenty-seventh Year of King George the Second, Chapter Ten; in the Twenty-eighth Year of King George the Second, Chapters Fifteen and Twenty-two; in the Twenty-ninth Year of King George the Second, Chapters Seven, Twenty-four, and Twenty-nine; in the Thirtieth Year of King George the Second, Chapters Five, Nineteen, Twenty-three, and Twenty-six; in the Thirty-first Year of King George the Second, Chapters Thirty-one and Thirty-three; in the Thirty-second Year of King George the Second, Chapters Ten, Twenty-two, Thirty-one, Thirty-three, and Thirty-six; in the Thirty-third Year of King George the Second, Chapters Seven, Twelve, Eighteen, Twenty-one, and Twenty-three; in the First Year of King George the Third, Chapters One, Five, Seven, Eighteen, Nineteen, and Twenty; in the Second Year of King George the Third, Chapters Seven, Eight, Nine, Ten, Thirty-three, and Thirty-four; in the Third Year of King George the Third, Chapters Nine, Twelve, Seventeen, and Eighteen; in the Fourth Year of King George the Third, Chapters Seven, Thirteen, Eighteen, Twenty-three, and Twenty-five; in the Fifth Year of King George the Third, Chapters Sixteen, Nineteen, Twenty-three, Forty-one, and Forty-two; in the Sixth Year of King George the Third, Chapters Fifteen, Twenty-one, Thirty-nine, and Forty-one; in the Seventh Year of King George the Third, Chapters Sixteen, Twenty-four, Twenty-five, Twenty-six, and Fifty-four; in the Eighth Year of King George the Third, Statute One, Chapters Eighteen, Twenty-nine, Thirty, and Thirty-one; in the Ninth Year of King George the Third, Chapters Fifteen, Thirty-three, Thirty-four, and Thirty-seven; in the Tenth Year of King George the Third, Chapters Eleven, Thirty-six, Forty, Forty-six, and Fifty-two; in the Eleventh Year of King George the Third, Chapters Twenty-five, Forty-seven, and Forty-eight; in the Twelfth Year of King George the Third, Chapters Thirty-nine, Fifty-three, and Sixty-three; in the Thirteenth Year of King George the Third, Chapters Sixty-four, Sixty-six, and Seventy-seven; in the Fourteenth Year of King George the Third, Chapters Sixty-nine, Seventy-six, Eighty-five, and Eighty-nine; in the Fifteenth Year of King George the Third, Chapters Thirty-eight, Forty-one, and Forty-two; in the Sixteenth Year of King George the Third, Chapters Thirty-four, Thirty-five, Forty-five, and Forty-nine; in the Seventeenth Year of King George the Third, Chapters Twenty-one, Thirty-eight, Forty-six, Forty-seven, and Fifty-one; in the Eighteenth Year of King George the Third, Chapters Twenty-two, Thirty-eight, Fifty-four, Fifty-seven, and Sixty-four; in the Nineteenth Year of King George the Third, Chapters Eighteen, Twenty-one, Sixty-three, Sixty-four, Seventy-one, and Seventy-three; in the Twentieth Year of King George the Third, Chapters Sixteen, Forty-three, Fifty-three, Fifty-seven, and Sixty-two; in the Twenty-first Year of King George the Third, Chapters Fourteen, Forty-one, Forty-two, Fifty-seven, Fifty-nine, and Sixty; in the Twenty-second Year of King George the

the Third, Chapters Eight, Thirty-four, Thirty-six, Forty-seven, Sixty-seven, and Seventy-six; in the Twenty-third Year of King George the Third, Chapters Twelve, Thirty-five, Seventy-two, Seventy-eight, Eighty-three, and Eighty-four; in the Twenty-fourth Year of King George the Third, Statute Two, Chapters Ten, Thirty-two, Thirty-three, Thirty-four, Thirty-nine, Forty-four, and Fifty-two; in the Twenty-fifth Year of King George the Third, Chapters Eleven, Twelve, Thirty-two, Thirty-three, Fifty-nine, Sixty, Seventy-one, and Eighty-three; in the Twenty-sixth Year of King George the Third, Chapters Thirty-one, Thirty-two, Thirty-three, Thirty-four, Sixty-one, Sixty-two, Sixty-five, Seventy, and Ninety-seven; in the Twenty-seventh Year of King George the Third, Chapters Thirteen, Twenty-three, Twenty-four, Twenty-five, Thirty-three, and Forty-one; in the Twenty-eighth Year of King George the Third, Chapters Eighteen, Nineteen, Twenty-one, and Twenty-six; in the Twenty-ninth Year of King George the Third, Chapters Thirty-three, Thirty-four, Thirty-five, Thirty-seven, Forty-one, and Sixty-one; in the Thirtieth Year of King George the Third, Chapters Fifteen, Sixteen, Twenty-four, Thirty, Thirty-two, and Forty-five; In the Thirty-first Year of King George the Third, Chapters Eleven, Thirty-three, Forty-one, Forty-eight, Forty-nine, Fifty, and Fifty-three; in the Thirty-second Year of King George the Third, Chapters Twelve, Fifteen, Sixteen, Twenty-eight, Thirty-five, and Fifty-five; in the Thirty-third Year of King George the Third, Chapters Seventeen, Eighteen, Twenty-two, Twenty-eight, Twenty-nine, Thirty, Thirty-two, Forty-seven, Fifty-one, Sixty-two, and Seventy-two; in the Thirty-fourth Year of King George the Third, Chapters One, Twenty-one, Twenty-eight, Twenty-nine, Thirty-three, Forty, Forty-eight, Forty-nine, and Sixty-two; in the Thirty-fifth Year of King George the Third, Chapters Fourteen, Twenty-one, Twenty-two, Twenty-three, Thirty-two, Thirty-six, Thirty-seven, Sixty-three, Sixty-six, Ninety-three, One hundred and twenty, One hundred and Twenty-seven, and One hundred and twenty-eight; in the Thirty-sixth Year of King George the Third, Chapters Twelve, Twenty-nine, Thirty, Thirty-one, Seventy-four, One hundred and four, One hundred and five, One hundred and twenty-two, and One hundred and twenty-six; in the Thirty-seventh Year of King George the Third, Chapters Nine, Ten, Fifteen, Eighteen, Twenty, Twenty-six, Twenty-seven, Forty-six, Fifty-seven, Fifty-nine, Eighty-two, One hundred and thirteen, One hundred and fourteen, One hundred and fifteen, and One hundred and forty-four; in the Thirty-eighth Year of King George the Third, Chapters Eight, Twenty, Thirty-seven, Forty-seven, Seventy-five, Eighty-two, Eighty-three, Eighty-four, Ninety, and Ninety-one; in the Thirty-ninth Year of King George the Third, Chapters Seven, Eighteen, Thirty-three, Forty-one, Sixty, Sixty-four, Sixty-eight, Sixty-nine, Seventy, Seventy-one, Ninety-one, and One hundred and fourteen; in the Thirty-ninth and Fortieth Years of King George the Third, Chapters Four, Five, Six, Twenty-two, Twenty-six, Twenty eight, Thirty-three, Fifty-two, One hundred and two, One hundred and three, One hundred and four, and One hundred and nine; and in the Forty-first year of King George the Third, Chapter Fourteen; and the following Acts passed in the Sessions of the Parliament of Ireland holden in the Thirteenth and Fourteenth Years of King George the Third, Chapter Five; in the Fifteenth and Sixteenth Years of King George the Third, Chapters One and Two; in the Nineteenth and Twentieth Years of King George the Third, Chapters Two, Five, and Ten; and in the Thirty-seventh Year of King George the Third, Chapter Twenty-seven; and the following Acts and Parts of Acts passed in the under-mentioned Sessions of the Parliament of the United Kingdom of Great Britain and Ireland, that is to say, in the said Forty-first Year of King George the Third, Chapters Three, Four, Twenty-seven, Sixty-five, Eighty-one, Eighty-two, Eighty-three, and Eighty-four; in the Forty-second year of King George the Third, Chapters Six, Eight, Nine, Seventeen, Twenty-one, Thirty-three, Forty-one, Forty-two, Fifty-four, Fifty-seven, Fifty-eight, Seventy-one, One hundred and four, One hundred and ten, One hundred and Eleven, One hundred and twelve, and One hundred and twenty; in

23 Geo. 3. cc. 12., 35., 72., 78., 83., and 84.

24 Geo. 3. Stat. 2. cc. 10., 32., 33., 34., 39., 44., and 52.

25 Geo. 3. cc. 11., 12., 32., 33., 59., 60., 71., and 83.

26 Geo. 3. cc. 31., 32., 33., 34., 61., 62., 65., 70., and 97.

27 Geo. 3. cc. 13., 23., 24., 25., 33., and 41.

28 Geo. 3. cc. 18., 19., 21., and 26.

29 Geo. 3. cc, 33., 34., 35., 37., 41., and 61.

30 Geo. 3. cc. 15., 16., 24., 30., 32., and 45.

31 Geo. 3. cc. 11., 33., 41., 48., 49., 50., and 53.

32 Geo. 3. cc. 12., 15., 16., 28., 35., and 55.

33 Geo. 3. cc. 17., 18., 22., 28, 29., 30., 32., 47., 51., 62., and 72.

34 Geo. 3. cc. 1., 21., 28 29.. 33., 40., 48., 49., and 62.

35 Geo. 3., cc. 14., 21., 22., 23., 32., 36., 37., 63., 66., 93., 120., 127., and 128.

36 Geo. 3. cc. 12., 29., 30., 31., 74., 104., 105., 122., and 126.

37 Geo. 3. cc. 9., 10., 15., 18., 20., 26., 27., 46.. 57., 59., 82., 113., 114., 115., and 144.

38 Geo. 3. cc. 8, 20., 37., 47., 75., 82., 83., 84., 90., and 91.

39 Geo. 3. cc. 7., 18., 33., 41., 60, 64., 68., 69., 70., 71., 91., and 114.

39 & 40 Geo. 3. cc. 4., 5., 6., 22., 26., 28., 33., 52., 102., 103., 104., and 109.

41 Geo. 3. (G.B.) c. 14.

13 & 14 Geo. 3. (I.) c. 5.

15 & 16 Geo. 3. (I.) cc. 1. and 2.

19 & 20 Geo. 3. (I.) cc. 2., 5. and 10.

37 Geo. 3. (I.) c. 27.

41. Geo. 3. (U. K.) cc. 3., 4., 27., 65., 81., 82., 83., and 84.

42 Geo. 3. cc. 6., 8., 9., 17., 21., 33., 41., 42., 54., 57., 58., 71., 104., 110., 111., 112., and 120.

43 Geo. 3. cc. 5., 7., 36., 60., 67., 91., 93., 114., 146., 147., 148., and 162.

44 Geo. 3. cc. 15., 31., 45., 46., 47., 48., 73., 81., 93., 97., 99., and 110.

45 Geo. 3. cc. 7., 8., 12., 27., 40., 73., 74., 110., 118., 119., 120, and 129.

46 Geo. 3. cc. 6., 25., 26., 32., 33., 41., 46., 47., 55., 93., 148., and 149.

47 Geo. 3. Stat. 1. cc. 2., 10., 23., 28., 46., and 55.,

47 Geo. 3. Stat. 2. cc. 6., 7., 9., 21., 28., 72., 73., and 76.

48 Geo. 3. cc. 1., 3., 4., 7., 21., 38., 53., 54., 76., 83., 97., 103., 112., 114., 139., 141., and 148.

49 Geo. 3. cc. 2., 3., 21., 52., 64., 71., 78., 79., 92., 93 , 94., 104., 114., and 128.

50 Geo. 3. cc. 2., 3., 23., 36., 45., 68., 69., 70., 71., 94., 98., 114., and 115.

51 Geo. 3. cc. 3., 4., 5., 15., 16., 22., 26., 35,, 49., 53., 54., 61., 85., 88., 112., 113., and 117.

52 Geo. 3. cc. 4., 5., 10.. 14., 19., 24., 70., 85., 86., 90., 96., 113, 114., 125., 129., 135., 137., 154., and 164.

53 Geo. 3. cc. 16, 26., 27., 35., 41., 42., 53., 61., 69., 93.. 95., 100., 118., 119., 120., 136., 156., and 161.

54 Geo. 3. cc. 3., 8., 13., 18., 39., 53., 74 , 75., 76., 79., 80., 85., 89., 139., 140., 167., and 188.

55 Geo. 3. cc. 2., 4., 5., 16., 40., 57., 58., 73., 74., 124., 141., 148., 149., 169., 187,. and 196.

56 Geo. 3. cc. 4., 7., 14., 28., 41., 42., 47., 53., 54., 60., 61., 70., 77., 89., 96., 97., 98. (ss. 9., 13., 22., and 23), 133., and 142.

57 Geo. 3. cc. 2., 16, 26, 30., 31., 34. (ss .1. to 5., 9., 12., 13., 15. to 19. 33., 38., 39., 51. to 55., and 63. 48., 79., 80., 81., 82., 83., and 132.

the Forty-third Year of King George the Third, Chapters Five, Seven, Thirty-six, Sixty, Sixty-seven, Ninety-one, Ninety-three, One hundred and fourteen, One hundred and Forty-six, One hundred and forty-seven, One hundred and forty-eight, and One hundred and sixty-two ; in the Forty-fourth Year of King George the Third, Chapters Fifteen, Thirty-one, Forty-five, Forty-six, Forty-seven, Forty-eight, Seventy-three, Eighty-one, Ninety-three, Ninety-seven, Ninety-nine, and One hundred and ten ; in the Forty-fifth Year of King George the Third, Chapters Seven, Eight, Twelve, Twenty-seven, Forty, Seventy-three, Seventy-four, One hundred and ten, One hundred and eighteen, One hundred and nineteen, One hundred and twenty, and One hundred and twenty-nine ; in the Forty-sixth Year of King George the Third, Chapters Six, Twenty-five, Twenty-six, Thirty-two, Thirty-three, Forty-one, Forty-six, Forty-seven, Fifty-five, Ninety-three, One hundred and forty-eight, and One hundred and forty-nine ; in the Forty-seventh Year of King George the Third, Statute One, Chapters Two, Ten, Twenty-three, Twenty-eight, Forty-six, and Fifty-five, and Statute Two, Chapters Six, Seven, Nine, Twenty-one, Twenty-eight, Seventy-two, Seventy-three, and Seventy-six ; in the Forty-eight Year of King George the Third, Chapters One, Three, Four, Seven, Twenty-one, Thirty-eight, Fifty-three, Fifty-four, Seventy-six, Eighty-three, Ninety-seven, One hundred and three, One hundred and twelve, One hundred and fourteen, One hundred and thirty-nine, One hundred and forty-one, and One hundred and forty-eight; in the Forty-ninth Year of King George the Third, Chapters Two, Three, Twenty-one, Fifty-two, Sixty-four, Seventy-one, Seventy-eight, Seventy-nine, Ninety-two, Ninety-three, Ninety-four, One hundred and four, One hundred and fourteen, and One hundred and twenty-eight; in the Fiftieth Year of King George the Third, Chapters Two, Three, Twenty-three, Thirty-six, Forty-five, Sixty-eight, Sixty-nine, Seventy, Seventy-one, Ninety-four, Ninety-eight, One hundred and fourteen, and One hundred and fifteen ; in the Fifty-first Year of King George the Third, Chapters Three, Four, Five, Fifteen, Sixteen, Twenty-two, Twenty-six, Thirty-five, Forty-nine, Fifty-three, Fifty-four, Sixty-one, Eighty-five, Eighty-eight, One hundred and twelve, One hundred and thirteen, and One hundred and seventeen ; in the Fifty-second Year of King George the Third, Chapters Four, Five, Ten, Fourteen, Nineteen, Twenty-four, Seventy, Eighty-five, Eighty-six, Ninety, Ninety-six, One hundred and thirteen, One hundred and fourteen, One hundred and twenty-five, One hundred and twenty-nine, One hundred and thirty-five, One hundred and thirty-seven, One hundred and fifty-four, and One hundred and sixty-four ; in the Fifty-third Year of King George the Third, Chapters Sixteen, Twenty-six, Twenty-seven, Thirty-five, Forty-one, Forty-two, Fifty-three, Sixty-one, Sixty-nine, Ninety-three, Ninety-five, One hundred, One hundred and eighteen, One hundred and nineteen, One hundred and twenty, One hundred and thirty-six, One hundred and fifty-six, and One hundred and sixty-one ; in the Fifty-fourth Year of King George the Third, Chapters Three, Eight, Thirteen, Eighteen, Thirty-nine, Fifty-three, Seventy-four, Seventy-five, Seventy-six, Seventy-nine, Eighty, Eighty-five, Eighty-nine, One hundred and thirty-nine, One hundred and forty, One hundred and sixty-seven, and One hundred and eighty-eight ; in the Fifty-fifth Year of King George the Third, Chapters Two, Four, Five, Sixteen, Forty, Fifty-seven, Fifty-eight, Seventy-three, Seventy-four, One hundred and twenty-four, One hundred and forty-one, One hundred and forty-eight, One hundred and forty-nine, One hundred and sixty-nine, One hundred and eighty-seven, and One hundred and ninety-six ; in the Fifty-sixth Year of King George the Third, Capters Four, Seven, Fourteen, Twenty-eight, Forty-one, Forty-two, Forty-seven, Fifty-three, Fifty-four, Sixty, Sixty-one, Seventy, Seventy-seven, Eighty-nine, Ninety-six, and Ninety-seven, Chapter Ninety-eight, Sections Nine, Thirteen, Twenty-two, and Twenty-three, and Chapters One hundred and thirty-three, and One hundred and forty-two ; in the Fifty-seventh Year of King George the Third, Chapters Two, Sixteen, Twenty-six, Thirty, and Thirty-one, Chapter Thirty-four, Sections One, Two, Three, Four, Five, Nine, Twelve, Thirteen, Fifteen,

Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Thirty-three, Thirty-eight, Thirty-nine, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, and Sixty-three, and Chapters Forty-eight, Seventy-nine, Eighty, Eighty-one, Eighty-two, Eighty-three, and One hundred and thirty-two; in the Fifty-eighth Year of King George the Third, Chapters Four, Twenty-three, Sixty-six, Seventy-one, Eighty, Eighty-six, Eighty-seven, and One hundred and one; in the Fifty-ninth Year of King George the Third, Chapters Three, Twenty, Thirty-four, Forty-two, Sixty-five, Seventy-one, Seventy-six, One hundred and thirty-one, One hundred and thirty-two, and One hundred and thirty-three; in the First Year of King George the Fourth, Statute Two, Chapters Two, Thirteen, Seventeen, Twenty-two, Twenty-three, Thirty one, Forty-six, Seventy-two, One hundred and four, One hundred and ten, and One hundred and eleven; in the First and Second Years of King George the Fourth, Chapters Seventy, Seventy-one, Seventy two, Seventy-three, Eighty, One hundred and eight, One hundred and twenty, and One hundred and twenty-two; in the Third Year of King George the Fourth, Chapters Eight, Nine, Seventeen, Twenty-six, Sixty-one, Sixty-six, and Seventy-three, Chapter Eighty-six, Sections One, Two, Three, Four, Five, Eleven, Twelve, Thirteen, Fourteen, Thirty-two, Thirty-three, Thirty-five, Thirty-six, Thirty-seven, and Fifty-four, and Chapters Eighty-nine, One hundred and one, One hundred and twenty-two, and One hundred and twenty-seven; in the Fourth Year of King George the Fourth, Chapters Four, Nineteen, Twenty-one, Twenty-two, Sixty, Sixty-three, and One hundred; in the Fifth Year of King George the Fourth, Chapters Two, Three, Nine, Eleven, Twenty-four, Forty-five, Fifty-three, Seventy-seven, and One hundred and fifteen; in the Sixth Year of King George the Fourth, Chapters One, Two, Fourteen, Seventy, and One hundred and thirty-four; in the Seventh Year of King George the Fourth, Chapters One, Two, Thirty-nine, Fifty, and Seventy-nine; in the Seventh and Eighth Years of King George the Fourth, Chapters One, Two, Sixteen, Forty-one, Forty-two, and Seventy; in the Ninth Year of King George the Fourth, Chapters One, Two, Ten, Sixteen, Nineteen, Thirty, Eighty-nine, and Ninety, Chapter Ninety-two, Sections Fourteen, Fifteen, Sixteen, Seventeen, Twenty-three, Twenty-four, Forty-eight, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, and Chapter Ninety-five; in the Tenth Year of King George the Fourth, Chapters One, Two, Twenty-four, Twenty-seven, Twenty-eight, Thirty-one, Forty-eight, and Sixty; in the Eleventh Year of King George the Fourth and the First Year of King William the Fourth, Chapters Two, Three, Four, Thirteen, Twenty-six, Twenty-eight, Thirty-two, Sixty-two, and Sixty-three; in the First Year of King William the Fourth, Chapters One, Five, Nine, Ten, and Eleven; in the First and Second Years of King William the Fourth, Chapter Fourteen, and Chapter Twenty-four, Sections One, Two, Three, Four, Five, Six, Eleven, Fifteen, and Sixteen, and Chapters Twenty-eight and Fifty-four; in the Second and Third Years of King William the Fourth, Chapters Two, Six, Twelve, Thirty, Fifty-one, Fifty-five, Fifty-nine, Ninety-four, One hundred and twenty-five, and One hundred and twenty-six; in the Third and Fourth Years of King William the Fourth, Chapters One and Two, Chapter Fourteen, Sections Two, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty-three, Twenty-four, Twenty-five, Twenty-nine, and Thirty, and Chapters Eighteen, Twenty-four, Twenty-five, and Thirty-two, Chapter Eighty-five, Sections Twelve, Thirteen, Fourteen, and Fifteen, Chapter Ninety-six, and Chapter Ninety-eight, Sections Nine, Thirteen, and Fourteen; in the Fourth and Fifth Years of King William the Fourth, Chapters Two, Three, and Twelve, Chapter Fifteen, Sections Twenty, Twenty-four, Twenty-five, Twenty-six, and Twenty-eight, Chapters Thirty-one and Fifty-eight, Chapter Seventy-two, Sections One, Two, Three, Four, Five, Six, Nine, and Ten, and Chapters Eighty and Eighty-four; in the Fifth and Sixth Years of King William the Fourth, Chapters, Three, Four, Nine, Forty-four, Fifty one, and Eighty; in the Sixth and Seventh Years of

58 Geo. 3. cc. 4., 23., 66., 71 80., 86., 87., and 101.
59 Geo. 3. cc. 3., 20., 34., 42 65., 71., 76., 131., 132., and 133.
1 Geo. 4. Stat. 2. cc. 2., 13., 17., 22., 23., 31., 46., 72., 104., 110., and 111.
1 & 2 Geo. 4. cc. 70., 71., 72., 73., 80., 108. 120., and 122.
3 Geo. 4. cc. 8., 9., 17., 26., 61., 66., 73., 86., (ss. 1. to 5., 11. to 14, 32., 33., 35. to 37., and 54.) 89., 101., 122., and 127.
4 Geo. 4. cc. 4., 19., 21., 22., 60., 63., and 100.
5 Geo. 4. cc. 2., 3., 9., 11., 24., 45., 53., 77., and 115.
6 Geo. 4. cc. 1., 2., 14., 70., and 134.
7 Geo. 4. cc. 1., 2., 39., 50., and 79.
7 & 8 Geo. 4. cc. 1., 2., 16., 41., 42., and 70.
9 Geo. 4. cc. 1., 2., 10., 16., 19., 30., 89., 90., 92., (ss. 14. to 17., 23., 24., 48., and 50. to 61.,) and 95.
10 Geo. 4. cc. 1., 2., 24., 27., 28., 31., 48., and 60
11 Geo. 4. and 1 Will. 4. cc. 2., 3. 4., 13, 26., 28., 32., 62., and 63.
1 Will. 4. cc. 1., 5., 9., 10., and 11.
1 & 2 Will. 4. cc. 14., 24., (ss. 1. to 6., 11., 15., and 16.,) 28., and 54.
2 & 3 Will. 4. cc. 2., 6., 12., 30., 51., 55., 59., 94., 125., and 126.
3 & 4 Will. 4. cc. 1., 2., 14., (ss. 2., 4. to 18., 23. to 25., 29., and 30.,) 18., 24., 25., 32., 85., (ss. 12. to 15.,) 96. and 98., (ss. 9., 13., and 14.)
4 & 5 Will. 4. cc. 2., 3., 12.,) 15., (ss. 20., 24., 25., 26., and 28., 31., 58., 72., (ss. 1. to 6., 9. and 10.,) 80., and 84.
5 & 6 Will. 4. cc. 3., 4., 9., 47., 51., and 80.

6 & 7 Will. 4. cc. 1., 2., 18., 98., and 113.
7 Will. 4. and 1 Vict. cc. 6., 11., 16., 17., 21., (ss. 7. and 9.,) 38., 51., (ss. 1. to 7., 12., 13., and 16.,) 59., and 79.

1 & 2 Vict. cc. 11., 12., 21., 26., 49., 81., 88., (ss. 1. to 7., 12., 13., and 15.,) 93., and 111.

2 & 3 Vict. cc. 2., 6., 8., 89., 90., 91., and 97.

3 & 4 Vict. cc. 4., 7., 10., (ss. 1. to 7., 12., and 13.,) 40., 75., 106., and 112.

4 & 5 Vict. cc. 4., 19., and 53.
5 Vict. cc. 8. and 11.
5 & 6 Vict. cc. 1., 9., (s. 1.,) 21., 66., (ss. 4. and 6. to 11.,) 115., and 121.

6 & 7 Vict. cc. 1., 17., 44., (s. 3.) 63., 87., and 99.

7 & 8 Vict. cc. 4., 5., 14., 32., (s., 8. and 27.,) 39., 64,, 80., 83. (ss. 1., 2., 8., and 13.,) and 104.

8 & 9 Vict. cc. 23., 27., 37., (ss. 2., 3., and 4.,) 62., 97., 129., and 130.
9 & 10 Vict. cc. 8., 15., 101., (ss. 2. to 7., 28., and 32.,) and 116.

10 & 11 Vict. cc. 9., 19., 36., and 107.

11 & 12 Vict. cc. 16., 125., and 126.
12 & 13 Vict. cc. 20., 71., and 98.

13 & 14 Vict. cc. 10, 22., 63., 107., and 115., (ss. 38., 43., 44., and 47.)
14 & 15 Vict. cc. 9. and 101.

15 & 16 Vict. cc. 10., 65. and 82.
16 & 17 Vict. cc. 12., 23., (ss. 1., 4. to 25., and 31. to 42.), 25., 31., 110., and 132., (ss. 6., 7., 8., 9., 10., and 11.)

of King William the Fourth, Chapters One, Two, Eighteen, Ninety-eight, and One hundred and thirteen; in the Seventh Year of King William the Fourth, and the First Year of Her present Majesty, Chapters Six, Eleven, Sixteen, and Seventeen, Chapter Twenty-one, Sections Seven, and Nine, Chapter Thirty-eight, Chapter Fifty-one, Sections One, Two, Three, Four, Five, Six, Seven, Twelve, Thirteen, and Sixteen, and Chapters Fifty-nine and Seventy-nine; in the First and Second Years of Her said Majesty, Chapters Eleven, Twelve, Twenty-one, Twenty-six, Forty-nine, and Eighty-one, Chapter Eighty-eight, Sections One, Two, Three, Four, Five, Six, Seven, Twelve, Thirteen, and Fifteen, and Chapters Ninety-three and One hundred and eleven; in the Second and Third Years of Her said Majesty, Chapters Two, Six, Eight, Eighty-nine, Ninety, Ninety-one, and Ninety-seven; in the Third and Fourth Years of Her said Majesty, Chapters Four and Seven, Chapter Ten, Sections One, Two, Three, Four, Five, Six, Seven, Twelve, and Thirteen, and Chapters Forty, Seventy-five, One hundred and six, and One hundred and twelve; in the Fourth and Fifth Years of Her said Majesty, Chapters Four, Nineteen, and Fifty-three; in the Fifth Year of Her said Majesty, Chapters Eight and Eleven; in the Fifth and Sixth Years of Her said Majesty, Chapter One, Chapter Nine, Section One, Chapter Twenty-one, Chapter Sixty-six, Sections Four, Six, Seven, Eight, Nine, Ten, and Eleven, and Chapters One hundred and fifteen and One hundred and twenty-one; in the Sixth and Seventh Years of Her said Majesty, Chapters One and Seventeen, Chapter Forty-four, Section Three, and Chapters Sixty-three, Eighty-seven, and Ninety-nine; in the Seventh and Eighth Years of Her said Majesty, Chapters Four, Five, and Fourteen, Chapter Thirty-two, Sections Eight and Twenty-seven, and Chapters Thirty-nine, Sixty-four, and Eighty, Chapter Eighty-three, Sections One, Two, Eight, and Thirteen, and Chapter One hundred and four; in the Eighth and Ninth Years of Her said Majesty, Chapters Twenty-three and Twenty-seven, Chapter Thirty-seven, Sections Two, Three, and Four, Chapters Sixty-two, Ninety-seven, One hundred and twenty-nine, and One hundred and thirty; in the Ninth and Tenth Years of Her said Majesty, Chapters Eight and Fifteen, Chapter One hundred and one, Sections Two, Three, Four, Five, Six, Seven, Twenty-eight, and Thirty-two, and Chapter One hundred and sixteen; in the Tenth and Eleventh Years of Her said Majesty, Chapters Nine, Nineteen, Thirty-six, and One hundred and seven; in the Eleventh and Twelfth Years of Her said Majesty, Chapters Sixteen, One hundred and twenty-five, and One hundred and twenty-six; in the Twelfth and Thirteenth Years of Her said Majesty, Chapters Twenty, Seventy-one, and Ninety-eight; in the Thirteenth and Fourteenth Years of Her said Majesty, Chapters Ten, Twenty-two, Sixty-three, and One hundred and seven, and Chapter One hundred and fifteen, Sections Thirty-eight, Forty-three, Forty-four, and Forty-seven; in the Fourteenth and Fifteenth Years of Her said Majesty, Chapters Nine and One hundred and one; in the Fifteenth and Sixteenth Years of Her said Majesty, Chapters Ten, Sixty-five, and Eighty-two; and in the Sixteenth and Seventeenth Years of Her said Majesty, Chapter Twelve, Chapter Twenty-three (except Sections Two, Three, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine and Thirty), Chapters Twenty-five, Thirty-one, and One hundred and ten, and Chapter One hundred and thirty-two, Sections Six, Seven, Eight, Nine, Ten, and Eleven.

DRAFT

OF A

BILL

TO

Consolidate several Enactments relating to the Consolidated Fund and the Management thereof.

[Note.—The Words printed in *Italics* denote Matter of a transitory or temporary Nature, and the Words printed in small Type denote Matter to be displaced hereafter.]

WHEREAS it will very greatly facilitate the Consolidation of the Statutes now in progress, if the Enactments relating to the Consolidated Fund, and the Management thereof, are from Time to Time reduced into One or more Act or Acts; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following, that is to say:

I. All public Rates, Duties, Taxes, Receipts, Revenues, Casual Revenues, Arrears, Debts, and Monies, of what Nature or Kind soever, not being by Act of Parliament expressly appropriated or appointed to other Purposes, and not being Parcel of the Hereditary Revenues of the Crown in Great Britain or Ireland, shall from Time to Time be paid or transferred into and received by the Bank of England, on account of Her Majesty's Exchequer, and shall be carried to and constitute One General Fund at the said Bank, to be called "The Consolidated Fund of Great Britain and Ireland," and to be from Time

27 Geo. 3. c. 13. (s. 52.), 56 Geo. 3. c. 98. (s. 1.), 2 & 3 Will. 4. c. 103. (s. 31. and 112.), 4 & 5 Will. 4. c. 15. (ss. 8., 9., and 10.), 6 & 7 Vict. c. 44. (ss. 3. and 13.), 9 & 10 Vict. c. 85.
It is unnecessary to set forth more fully the Provisions of the Two last Acts on the Subject of Exchequer Accounts at the Bank of Ireland. They are few and temporary; and the Words "transferred" are sufficient to meet the Case, for ultimately the Money must be transferred to the Bank of England.

Time to Time credited, issued, and applied in manner herein-after directed.

56 Geo. 3. c. 98. (s. 10.), 4 & 5 Will. 4. c. 15. (s. 10.)

II. There shall be kept by the Governor and Company of the Bank of England an Account of all such Receipts, Credits, and Issues, to be called "The Account of Her Majesty's Exchequer," and in such Account all Monies received by the said Bank on account of the said Exchequer shall be treated by the said Governor and Company as forming One Fund in their Books; but in the Accounts kept by the Lords of Her Majesty's Treasury and the Comptroller General of the Exchequer respectively, of all such Receipts, Credits, and Issues, the same shall be respectively placed under the particular Heads of Accounts to which they respectively belong or are appropriated by Parliament.

III. The said Consolidated Fund shall be charged with and from Time to Time applied to the Purposes following: First, the Payment indiscriminately of the whole of the Interest of the National Debts of Great Britain and Ireland, contracted or to be contracted, as of One Joint Consolidated National Debt, and the Funds applicable to the Reduction of the said Debt; and, secondly, the Payment of the Charges of Her Majesty's Civil List Establishments in Great Britain and Ireland; and, thirdly, the Payment of the several other Charges upon the said Consolidated Fund successively enumerated in the Schedule hereunto annexed.

This appears to be the most convenient Mode, both with respect to the Facility of Consolidation, and that of future Revision and Amendment.

56 Geo. 3. c. 98. (s. 9.)

IV. The said several Payments shall be made either immediately before or immediately after the Close of every Quarter, notwithstanding that the Accounts of the Exchequer may happen to be not at that Time made up and settled; and, after all the said Payments have been made, the said Consolidated Fund shall be indiscriminately paid and applied to the general Service of the United Kingdom of Great Britain and Ireland, or otherwise to such Department thereof as Parliament shall from Time to Time direct.

4 & 5 Will. 4. c. 15. (ss. 13. and 14.)

V. All Charges upon the said Fund shall be paid from Time to Time by the several Public Officers to whose respective Departments it may belong to pay them, and the Sums requisite for such Payments shall be from Time to Time "accredited" unto such Persons respectively by the Governor and Company of the said Bank, under Warrant in Writing to them directed by the said Comptroller General, and signed with his Hand; and the Amounts so accredited shall be duly paid unto such Persons respectively by the said Bank; and after the same shall have been actually paid, and not before, the said Amounts shall be transferred

ferred accordingly from the Account of Her Majesty's Exchequer in the Books of the said Bank.

VI. No Acceptance, Cheque, or Order for the Payment of Money for the Public Service payable at the Bank of England shall be payable there on any Day after Three of the Clock in the Afternoon. 4 & 5 Will. 4. c. 15. (s. 21.)

VII. Where Payments have hitherto been made out of the growing Produce of the Consolidated Fund, or Annuities, Allowances, or Advances charged on the said Fund, and Pensions have been hitherto payable, the Lords of the Treasury shall cause such Payments to continue to be made in advance or otherwise in like Manner as hath been hitherto practised. 57 Geo. 3. c. 48. (s. 2.)

VIII. No Fees or Allowances (by way of Deduction or otherwise), or other Rewards, shall be paid or received upon the making out, Issue, Application, or Payment of any Public Securities, or upon the Receipts of Money from, or Issues of Money to, any Persons, either at the Exchequer or at the Bank of England, or any other Bank keeping Accounts with the said Exchequer, or on the making or attesting of the Acknowledgement or Certificate of such Receipts for any Service or Purpose of a public Nature, or for any Care or Labour bestowed in respect of such several Particulars, or to the Commissioners for the Reduction of the National Debt, in respect of any Government Annuity or any Certificate or Document by them granted or to be granted, or of any Act by them done or to be done with respect to such Annuity, or with respect to the National Debt or the Reduction thereof. 48 Geo. 3. c. 1. (s. 16.), 57 Geo. 3. c. 34. (ss. 9. and 51.), 3 Geo. 4. c. 86. (s. 11.), 10 Geo. 4. c. 24. (s. 46.), 4 & 5 Will. 4. c. 15. (s. 25.)

IX. The Governor and Company of the Bank of England shall open and keep in their Books separate and distinct Accounts of all their Receipts and Advances made by them under the Authority of Parliament; but so often as any Monies shall be repaid into the said Bank, on account of any Advances at any Time made by them for any public Purposes under such Authority, they shall immediately Transfer to the Account of Her Majesty's Exchequer with the said Bank the Amount of Monies so repaid, and the said Monies shall accordingly be carried to such Account, and go to and be comprehended in the Consolidated Fund. 57 Geo. 3. c. 34. (ss. 51. and 52.), 1 & 2 Vict. c. 88. (s. 9.), 6 & 7 Vict. c. 44. (ss. 3. and 13.)

X. Within One Week next after the Termination of each Financial Quarter in every Year, the Comptroller-General of the Exchequer shall transmit to the Commissioners for auditing Public Accounts a Statement of all Payments made into the Bank to the Account of the Exchequer, and of all the Credits for which he shall have granted Warrants upon the Bank during that Quarter, and of all Monies certified to him by the Governor and Company of the said Bank to have been drawn by public Accountants during that Quarter. 4 & 5 Will. 4. c. 15. (s. 23.)

XI. From Day to Day the Governor and Company of the said Bank of England shall transmit unto the Comptroller-General of the Exchequer an Account of every actual Payment made by them in the Course of the next preceding Day, on account of Credits by him warranted, and once in every Week they shall likewise transmit unto the Lords of the Treasury an Account of each and every of their actual Payments made in the Week next preceding such Account to the Drafts or Orders of Persons to whom such Credits shall have been granted, and also an Account of the Balance of Money remaining 4 & 5 Will. 4. c. 15. (s. 20.)

remaining in the Bank to the Account of the Exchequer at the End of such Week, all which several Accounts shall be authenticated by the Signature of any Officer of the Bank whom the said Governor and Company shall thereunto authorize.

10 Geo. 4. c. 27. (s. 1.), 4 & 5 Will. 4. c. 15. (s. 24.) The next Two Sections and Section XV., and also the first Two Paragraphs of Section XIV., which are distinguished by Brackets [ ], are taken Word for Word from the National Debt Bill. They belong, as I have observed in my Minute, to the future "Chapter of Public Accounts," and, until that Chapter is prepared, it is difficult to determine their temporary Place, as the Consolidated Fund is as much a Part of their Subject Matter as the National Debt.

XII. [Four Times in every Year, that is to say, on or within Thirty Days next after every Fifth Day of January, every Fifth Day of April, every Fifth Day of July, and every Fifth Day of October respectively, the Lords of the Treasury shall cause to be prepared an Account of the actual Receipt and Expenditure of the United Kingdom for the whole of the Year immediately preceding, and ending with the quarterly Day whereon or within Thirty Days next after which such Account shall have been prepared, and the same shall be distinguished according to the last Four Quarters, ending with each of the said Four several quarterly Days, and shall be made out, so far as possible, according to the actual Receipt of Money at the Bank of England on the Accounts of the Exchequer, and of Credits granted thereout by the Warrants of the Comptroller, or otherwise according to the actual Receipts and Issue of Monies at the Receipt of the said Exchequer.]

XIII. [The Accounts and Documents in the next following Sections enumerated shall be respectively made up, prepared, and presented or transmitted to Parliament or elsewhere by the several Officers and Departments therein named at such Times and in such Manner as by the said Sections respectively prescribed, save that whensoever it shall happen that Parliament is not sitting at any Period thereby appointed for the presenting of any such Documents to Parliament, the same shall be presented to Parliament by the Officers or Departments therewith respectively charged within Fourteen Days after the next re-assembling of Parliament.]

XIV. [There shall be annually prepared and presented to Parliament, at the Times herein-after mentioned, the Accounts and Documents following; (that is to say,)]

56 Geo. 3. c. 98. (s. 22.)

1. [By the Lords of the Treasury, on or before every Twenty-fifth Day of March, an Account, for the Year ending on the Fifth Day of January next immediately preceding, of the total Income of the United Kingdom, specifying under their respective Heads of Account the several ordinary Revenues and extraordinary Resources thereof for the Year; and an Account of the net Produce of all the permanent Taxes of the said Kingdom for the Year; and an Account of the Income and Payments out of the Consolidated Fund of the said Kingdom for the Year, and of the future annual Charge upon the said Fund; and an Account of the Public Expenditure of the said Kingdom for the Year; and an Account of the National Debt of the said Kingdom, funded and unfunded, and the Reduction thereof, for the Year; and a particular Account of Exchequer Bills made out and issued during the Year under the Chapter of National Debt, Section Twenty, for the Purpose of supplying any Deficiency found in the quarterly Accounts of the Income and Charge of the Consolidated Fund for the several Quarters of the Year; and an Account of the Application of all Supplies granted by Parliament for the Service of the said Kingdom for the Year; and an Account of the Arrears and Balances due from all Public Accountants for the Year; and an Account of the Exports and Imports of the said Kingdom, and of the Shipping registered in or belonging to the respective Dominions of Her Majesty, for the Year:]

57 Geo. 3. c. 48. (s. 14.)

4 & 5 Will. 4. c. 5. (s. 23.

2. And by the said Comptroller-General, on the Twentieth Day of April in every Year, an Account under his Hand, for the Year ending on the Fifth Day of the same Month, of all Monies received to the Account of the said Exchequer during such preceding Year, and distinguished under the respective Heads of Public Revenue, and an Account of all Royal Orders, and Treasury Warrants received by him, and of Issues made on Credits pursuant thereto and distinguished under the said Heads, and an Account of the Balance of Monies remaining at the said Bank to the Account of the said Exchequer at the End of such Year, which said Accounts shall be accompanied by

by a Certificate under the Hand of the principal Cashier of the Bank of England of the Amount of such Balance.

XV. [From all Calculations, Payments, and Accounts of Public Annuities grantable by the Commissioners for the Reduction of the National Debt the fractional Parts of a Shilling to a less Amount than One Sixpence shall be excluded, and from all other Calculations, Payments, and Accounts of Annuities, Dividends, or Interest accruing upon Public Debts, or of Public Revenues, or of any other Public Monies, the fractional Parts of a Penny shall be excluded.]

3 & 4 Will. 4. c. 14. (s. 7.), 4 & 5 Will. 4. c. 15. (s. 19.), 48 Geo. 3. c. 1. (s. 17.)

See the Note to Section XII.

XVI. From and after the passing of this Act, the Acts and Parts of Acts next herein-mentioned shall be repealed, and the same are hereby repealed accordingly (save and except so far as any of them relate to any Measure or Thing done, Right acquired or vested, or Liability incurred before the passing of this Act, and also save and except as to the Recovery or Application of any Penalty or Forfeiture for any Offence or Default committed before the passing of this Act), that is to say:—The Acts of Parliament passed in the Sessions of Parliament of Great Britain in the Twenty-third Year of King George the Third, Chapter Eighty-six; in the Thirtieth Year of King George the Third, Chapter Forty-six; in the Thirty-third Year of King George the Third, Chapter Seventy-seven; in the Thirty-eighth Year of King the Third, Chapter Twenty-two; and in the Fortieth Year of King George the Third, Chapter Fifty-five; and also the Acts of Parliament passed in the Sessions of the Parliament of Ireland in the Thirty-seventh Year of King George the Third, Chapters Sixty-two and Sixty-three; in the Thirty-eight Year of King George the Third, Chapters Sixty-eight, Sixty-nine, and Seventy; in the Thirty-ninth Year of King George the Third, Chapters Seven, Sixty-four, and Sixty-five; and in the Fortieth Year of King George the Third, Chapters Thirty-four, Thirty-nine, Forty-nine, Fifty, Sixty, and Sixty-nine; and the Acts and Parts of Acts of Parliament passed in the Sessions of the Parliament of the United Kingdom of Great Britain and Ireland in the Forty-first Year of King George the Third, Chapters Twenty-two, Thirty-two, and Fifty-nine; in the Forty-third Year of King George the Third, Chapter One hundred and fifty-nine; in the Forty-sixth Year of King George the Third, Chapters Thirteen and Fifty, Chapter One hundred and Forty-one, Sections Three and Four, and Chapter One hundred and forty-seven; in the Forty-eighth Year of King George the Third, Chapter One, Section Sixteen; in the Fiftieth Year of King George the Third, Chapter Eight; in the Fifty-second Year of King George the Third, Chapters Thirty-seven, Fifty-seven, and Seventy-eight; in the Fifty-third Year of King George the Third, Chapter One hundred and seven; in the Fifty-fourth Year of King George the Third, Chapters Eighty-three, One hundred and sixty-two, One hundred and sixty-three, and One hundred and sixty-four; in the Fifty-sixth Year of King George the Third, Chapter Twenty-four, and Chapter Ninety-eight, Sections One, Nine, and Ten; in the Fifty-seventh Year of King George the Third, Chapter Thirty-four, Sections Nine, Fifty-one, and Fifty-two, Chapter Forty-seven, Chapter Forty-eight, Section Two, and Chapters Sixty-five, Sixty-seven, and Eighty-four; in the Fifty-eighth Year of King George the Third, Chapter Twenty-four; in the Fifty-ninth Year of King George the Third, Chapter Twenty-two; in the Sixtieth Year of King George the Third and the First Year of King George the Fourth, Chapters One hundred and eight and One hundred and nine; in the First and Second Years of King George the Fourth, Chapter Five, Section Four, Chapter Twenty-eight, and Chapter Fifty-nine, Sections One, Four, and Seven; in the Third Year of King George the Fourth, Chapters Fifty-six and Seventy-nine, Chapter Eighty-six, Section Eleven, and Chapter Ninety-eight; in the Fourth Year of King George the Fourth, Chapter Nineteen, Sections Twelve and Thirteen, Chapter Sixty, Chapter Sixty-one, Sections Twenty-six, Twenty-nine, Thirty-seven, Sixty, Sixty-one, Sixty-two, Sixty-three,

23 Geo. 3. c. 86.
30 Geo. 3. c. 46.
33 Geo. 3. c. 77.
38 Geo. 3. c. 22., 40 Geo. 3. c. 55.
37 Geo. 3. (I.) cc. 62. and 63.
38 Geo. 3. (I.) cc. 68., 69., and 70.
39 Geo. 3. (I.) cc. 7., 64., and 65.
40 Geo. 3. (I.) cc. 34., 39., 49., 50., 60., and 69.
41 Geo. 3. cc. 22., 32., and 59.
43 Geo. 3. c. 159.
46 Geo. 3. cc. 13., 50., 141. (ss. 3. and 4.), and 147.
48 Geo. 3. c. 1. (s. 16.)
50 Geo. 3. c. 8.
52 Geo. 3. cc. 37., 57., and 78.
53 Geo. 3. c. 107.
54 Geo. 3. cc. 83., 162., 163., and 164.
56 Geo. 3. cc. 24. and 98. (ss. 1., 9., 10.)
57 Geo. 3. cc. 34. (ss. 9., 51., and 52.), 47., 48. (s. 2.), 65., 67., and 84.
58 Geo. 3. c. 24.
59 Geo. 3. c. 22.
60 Geo. 3. and 1 Geo. 4. cc. 108. and 109.
1 & 2 Geo. 4. cc. 5. (s. 4.) and 59. (ss. 1., 4., and 7.)
3 Geo. 4. cc. 56., 79., 86. (s. 11.), and 98.
4 Geo. 4. cc. 19., (ss. 12. & 13.) 60., 61. (ss. 26., 29., 37., and 60 to 70.), and 92.

5 Geo. 4. c. 23.
6 Geo. 4. cc. 30. (ss. 1., 9., 10., 11., and 17.), 33., 55. (s. 1.), 82., 88, and 101. (s. 4.)
7 Geo. 4. c. 74. (ss. 7., 69., 119., and 123.)
7 & 8 Geo. 4. c. 44. (s. 2.)
9 Geo. 4. c. 28.
10 Geo. 4. c. 41. (ss. 3., 4., 5., and 6.)
11 Geo. 4. and 1 Will. 4. c. 70. (ss. 24., 25., and 26.)
1 & 2 Will. 4. cc. 33. and 35. (s. 4.)
2 & 3 Will. 4. cc. 75. (ss. 3. and 6.), 88. (s. 67.), 103. (ss. 31. and 112.), 109., 111. (ss. 1. and 2.), 125. ss. 7. and 13.)
3 & 4 Will. 4. cc. 84. (s. 4.) and 89. (ss. 1. and 2.)
4 & 5 Will. 4. cc. 15. (ss. 1., 8., 9., 10., 13., 14., 20., 21., 23., 25., 29., 31., 32., and 33.), 24. (ss. 1. to 5.), 70. (s. 1.), and 78. (ss 23. to 34.)
5 & 6 Will. 4. c. 47. (ss. 1. to 4.)
6 & 7 Will. 4. cc. 19. (ss. 4., 5., and 6.), 29. (s. 3.), 71. (ss. 7. and 8.), 74. (ss. 2. and 3.), 83., 84. (ss. 46. and 47.), 86. (ss. 3. and 4.), 87. (ss. 17., 18., and 19.), 110. (s. 2.), and 116. (s. 61.)
7 Will. 4. and 1 Vict. cc. 9. (ss. 2. and 4.), 30. (ss. 18., 25., 26., and 27. and Schedule (A.), and 46. (s. 12.)
1 & 2 Vict. cc. 8., 88. (s. 9.), 95. (ss. 1., 2., and 3.), and 108.
2 & 3 Vict. cc. 16. (ss. 35. and 36.), 47. (ss. 6. and 19.), 71. (s. 11.)
3 & 4 Vict. cc. 3., 11., and 66. (ss. 1. and 15.)
4 & 5 Vict. cc. 1. 35. (ss. 7. and 8.)
5 & 6 Vict. c. 72. (ss. 4., 24., 25., and 26.)
6 & 7 Vict. cc. 18. (s. 59.), 20. (s. 10.), 25. and 44. (ss. 3. and 13.)
7 & 8 Vict. cc. 71. (s. 10.), 81. (ss. 53. and 54.), 84. (ss. 94., 96., and 97.), 90. (s. 22.), 95. (s. 38.), 96. (ss. 70. and 71.), 97. (ss. 7. and 8.), 107. (ss. 1., 2., 19., and 36.), and Schedules (A.), (B.), (C.), and (D.)

Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight, Sixty-nine, and Seventy, and Chapter Ninety-two; in the Fifth Year of King George the Fourth, Chapter Twenty-three; in the Sixth Year of King George the Fourth, Chapter Thirty, Sections One, Nine, Ten, Eleven, and Seventeen, Chapter Thirty-three, Chapter Fifty-five, Section One, Chapters Eighty-two, and Eighty-eight, and Chapter One hundred and one, Section Four; in the Seventh Year of King George the Fourth, Chapter Seventy-four, Sections Seven, Sixty-nine, One hundred and nineteen, and One hundred and twenty-three; in the Seventh and Eighth Years of King George the Fourth, Chapter Forty-four, Section Two; in the Ninth Year of King George the Fourth, Chapter Twenty-eight; in the Tenth Year of King George the Fourth, Chapter Forty-one, Sections Three, Four, Five, and Six; in the Eleventh Year of King George the Fourth and the First Year of King William the Fourth, Chapter Seventy, Sections Twenty-four, Twenty-five, and Twenty-six; in the First and Second Years of King William the Fourth, Chapter Thirty-three and Chapter Thirty-five, Section Four; in the Second and Third Years of King William the Fourth, Chapter Seventy-five, Sections Three and Six, Chapter Eighty-eight, Section Sixty-seven, Chapter One hundred and three, Sections Thirty-one and One hundred and twelve, One hundred and nine, Chapter One hundred and eleven, Sections One and Two, Chapter One hundred and sixteen, and Chapter One hundred and twenty-five, Sections Seven and Thirteen; in the Third and Fourth Years of King William the Fourth, Chapter Eighty-four, Section Four, and Chapter Eighty-nine, Sections One and Two; in the Fourth and Fifth Years of King William the Fourth, Chapter Fifteen, Sections One, Eight, Nine, Ten, Thirteen, Fourteen, Twenty, Twenty-one, Twenty-three, Twenty-five, Twenty-nine, Thirty-one, Thirty-two, and Thirty-three, Chapter Twenty-four, Sections One, Two, Three, Four, and Five, Chapter Seventy, Section One, and Chapter Seventy-eight, Sections Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, and Thirty-four; in the Fifth and Sixth Years of King William the Fourth, Chapter Forty-seven, Sections One, Two, Three, Four; in the Sixth and Seventh Years of King William the Fourth, Chapter Nineteen, Sections Four, Five, and Six, Chapter Twenty-nine, Section Three, Chapter Seventy-one, Sections Seven and Eight, Chapter Seventy-four, Sections Two and Three, Chapter Eighty-three, Chapter Eighty-four, Sections Forty-six and Forty-seven, Chapter Eighty-six, Sections Three and Four, Chapter Eighty-seven, Sections Seventeen, Eighteen, and Nineteen, Chapter One hundred and Ten, Section Two, and Chapter One hundred and sixteen, Section Sixty-one; in the Seventh Year of King William the Fourth, and the First Year of Her present Majesty, Chapter Nine, Sections Two and Four, Chapter Thirty, Sections Eighteen, Twenty-five, Twenty-six, and Twenty-seven, and Schedule (A.), and Chapter Forty-six, Section Twelve; in the First and Second Years of Her said Majesty, Chapter Eight, Chapter Eighty-eight, Section Nine, Chapter Ninety-five, Sections One, Two, and Three, Chapter One hundred and eight; in the Second and Third Years of Her said Majesty, Chapter Sixteen, Sections Thirty-five and Thirty-six, Chapter Forty-seven, Sections Six and Nineteen, and Chapter Seventy-one, Section Eleven; in the Third and Fourth Years of Her said Majesty, Chapters Three and Eleven, and Chapter Sixty-six, Sections One and Fifteen; in the Fourth and Fifth Years of Her said Majesty, Chapter One, and Chapter Thirty-five, Sections Seven and Eight; in the Fifth and Sixth Years of Her said Majesty, Chapter Seventy-two, Sections Four, Twenty-four, Twenty-five, and Twenty-six; in the Sixth and Seventh Years of Her said Majesty, Chapter Eighteen, Section Fifty-nine, Chapter Twenty, Section Ten, Chapter Twenty-five, and Chapter Forty-four, Sections Three and Thirteen; in the Seventh and Eighth Years of Her said Majesty, Chapter Seventy-one, Section Ten, Chapter Eighty-one, Sections Fifty-three and Fifty-four, Chapter Eighty-four, Sections Ninety-four, Ninety-six, and Ninety-seven, Chapter Ninety, Section Twenty-two, Chapter Ninety-five, Section Thirty-eight, Chapter Ninety-six, Sections Seventy and Seventy-one, Chapter Ninety-seven, Sections Seven and Eight, and

and Chapter One hundred and seven, Sections One, Two, Nineteen, and Thirty-six, and Schedules A., B., C., and D. ; in the Eighth and Ninth Years of Her said Majesty, Chapter Twenty-five, Sections Four, Five, and Seven, and Schedule A., Chapter Forty-nine, Chapter Sixty-six, Section Twelve, Chapter One hundred, Sections Three, Four, Nine, Eleven, and Thirty-five, and Chapter One hundred and eighteen, Sections Six and Seven; in the Ninth and Tenth Years of Her said Majesty, Chapter Thirty-two, Chapter Eighty, Sections One and Two, Chapter Eighty-five, Chapter Ninety-five, Sections Ten and Twenty-three, Chapter Ninety-seven, Section Two, and Chapter One hundred and one, Section Nine ; in the Tenth and Eleventh Years of Her said Majesty, Chapter Thirty-two, Sections One, Two, Three, Four, Five, and Fifteen, and Chapter One hundred, Section Eight; in the Eleventh and Twelfth Years of Her said Majesty, Chapter One hundred and Thirty-two, Section Two ; in the Twelfth and Thirteenth Years of Her said Majesty, Chapter Sixty-two, Section One, Chapter Seventy-two, Sections Two and Three, and Chapter One hundred and one, Sections Thirteen and Seventeen ; in the Thirteenth and Fourteenth Years of Her said Majesty, Chapter Eighteen, Section Thirty-seven, Chapter Thirty-one, Sections One, Two, Three, Eleven, and Twelve, Chapter Fifty-one, Section Twenty-six, Chapter Seventy-four, Sections Two, Eight, and Nine, Chapter Seventy seven, and Chapter One hundred and fifteen, Section Ten ; in the Fourteenth and Fifteenth Years of Her said Majesty, Chapter Forty-one, Chapter Fifty-three, Sections One, Two, Three, Four, Five, and Six, Chapter Fifty-seven, Section Four, and Schedule B., and Chapter Eighty-nine, Section One ; in the Fifteenth and Sixteenth Years of Her said Majesty, Chapter Fifty-five, Section Two, Chapter Eighty-five, Sections Forty-five and Forty-six, and Chapter Eighty-seven, Sections Sixteen, Twenty-three, and Forty-nine ; and in the Sixteenth and Seventeenth Years of Her said Majesty, Chapter Fifty-five, Section Six, and Schedule A., and Chapter One hundred and Thirteen, Section One hundred and seventy-six.

8 & 9 Vict. c. 25. (ss. 4., 5., 7., and Schedule (A.), 49., 66., (s. 12.), 100. (ss. 3., 4., 9., 11 and 35.), 118. (ss. 6. and 7.)

9 & 10 Vict. cc. 32., 80. (ss. 1. and 2.), 85., 95. (ss. 10 and 23.), 97. (s. 2.), and 101. (s. 9.)

10 & 11 Vict. cc. 32. (ss. 1. to 5. and 15.) and 100. (s. 8.)

11 & 12 Vict. c. 132. (s. 2.)

12 & 13 Vict. cc. 62. (s. 1.), 72. (ss. 2. and 3.), and 101. (ss. 13. and 17.)

13 & 14 Vict. cc. 18. (s. 37.), 31. (ss. 1., 2., 3., 11., and 12.), 51. (s. 26.), 74. (ss. 2., 8., and 9.), 77., 115. (s. 10.)

14 & 15 Vict. cc. 41., 53. (ss. 1. to 6.), 57. (s. 4. and Schedule (B.), 89. (s. 1.)

15 & 16 Vict. cc. 55. (s. 2.), 85. (ss. 44. and 46.), 87. (ss. 16., 23., and 45.)

16 and 17 Vict. cc. 55. (s. 6.) and Schedule (A.), 113. (s. 176.)

SCHEDULE of "ANNUITIES, PENSIONS, SALARIES, ALLOWANCES, ADVANCES, and SERVICES" charged upon and payable out of the Consolidated Fund, and of the Persons or Officers to whom the same are payable, being the Schedule to which this Act refers.

	The following Annuities, payable to the Royal Family; that is to say:—	£
52 Geo. 3. c. 57.	*To H. R. H. Mary Duchess of Gloucester, during her life* - - - - -	16,000.
60 Geo. 3. and 1 Geo. 4. c. 108.	*To the Trustees of H. M. Leopold I., King of the Belgians, during his life* - - -	50,000.
56 Geo. 3. c. 24.	*To H. R. H. Mary Louisa Victoria Duchess of Kent, during her life* - - -	30,000.
1 & 2 Vict. c. 8.	*To H. R. H. Prince Albert of Saxe Coburg and Gotha, during his life, and in lieu or bar of "any estate or interest" which His Royal Highness might otherwise "by virtue of his Marriage acquire or become entitled to in any Property, Real or Personal, to which Her Majesty may be or may become entitled to"* -	30,000.
3 & 4 Vict. c. 3.	*To H. R. H. George William Frederick Duke of Cambridge, during his life or until "he shall become King of Hanover, or Sovereign or Ruler of any foreign Kingdom or State"* -	12,000.
13 & 14 Vict. c. 77. (where His Royal Highness is simply described as "the Duke of Cambridge.")	*To H. R. H. the Princess Mary of Cambridge, during her life* - - - -	3,000.
13 & 14 Vict. c. 77.	*To H. R. H. Augusta Caroline Duchess of Mecklenburg-Strelitz, during her life* - -	3,000.
6 & 7 Vict. c. 25.	*To H. R. H. Augusta Wilhelmina Louisa Duchess of Cambridge, during her life* - -	6,000.
58 Geo. III. c. 24.	*And to His Serene Highness the Prince of Mecklenburg-Strelitz, nephew to Her late Majesty Queen Charlotte, during his life* - -	1,788. 4*s.* 4*d.*
60 Geo. 3. and 1 Geo. 4. c. 108.		
38 Geo. 3. (I) c. 69. The currency is not specified to be British, and the nominal amount is 2000*l.*		
	The following Pensions for Naval and Military Services; that is to say:—	
23 Geo. 3. c. 86., and 33 Geo. 3. c. 77. 46 Geo. 3. c. 147.	*To Lord Rodney, during his life, and after his decease to every successive Lord Rodney, being the heir male for the time being of the body of George Brydges Lord Rodney, sometime Vice-Admiral of England, and to whom the barony of Rodney shall descend, during the life of every such heir male* - - -	1,000.
33 Geo. 3 c. 77.	*To Dowager Lady Rodney, during her life*	1,000.
38 Geo. 3. c. 22.	*To Earl of Camperdown, during his life,*	
38 Geo. 3. (I.) c. 70.	*and after his decease to the next heir male of the body of Adam Viscount Duncan, first of that title on whom the title of Viscount Duncan shall descend, during the life of such heir male* -	2,997. 9*s.*
41 Geo. 3. c. 59.	*To Baron Abercromby, of Aboukir, during his life, and after his decease to the next succeeding heir male of the body of the first Baron Abercromby, of Aboukir, on whom the said title shall descend during the life of such heir male* - - - - - -	1,500.
43 Geo. 3. c. 159.	*To Earl of Morley, his heirs and assigns for ever, in trust for the devisees of certain estates in Canada, (formerly belonging to the Jesuits) named in the last will of Jeffery the first Lord Amherst, and in lieu or substitution of the interests limited unto such devisees by the said will* - - -	3,000.

		£
38 Geo. 3. (I.) c. 38 Geo. 3. c. 22. 39 Geo. 3. (I.) c. 7. (s. 2.) and c. 64. (s. 15.) 46 Geo. 3. c. 50.	*To Edward Viscount St. Vincent, during his life, and after his decease to the next person to whom the title of Viscount St. Vincent is limited, during the life of such person* -	3,000.
4 Geo. 4. c. 92. 46 Geo. 3. c. 146.	*To Earl Nelson, during his life, and, after his decease, to every successive Earl Nelson, being the heir male of the body of the first Earl Nelson, and to whom the Earldom shall descend, during the life of such heir male* - -	2,000.
46 Geo. 3. c. 146.	*To Francis Elizabeth Countess of Nelson, during her life* - - - - -	1,000.
46 Geo. 3. c. 146.	*To Hilaire Dowager Countess of Nelson, during her life* - - - - -	2,000.
50 Geo. 3. c. 8. 52 Geo. 3. c. 37.	*To Duke of Wellington, during his life, and after his decease to the next succeeding heir male of the body of the first Duke of Wellington on whom the title of Duke of Wellington shall descend, during the life of such heir male* -	4,000.
Qu? whether the title has descended? 54 Geo. 3. c. 162.	*To Viscount Beresford, during his life, and after his decease to "the succeeding heirs male, of the body of William Carr Lord Beresford on whom the title, honour, and dignity of Lord Beresford shall descend, for ever"* -	2,000.
54 Geo. 3. c. 163.	*To Stapleton Viscount Combermere, during his life, and after his decease to the two next succeeding heirs male of his body on whom the title of Lord Combermere shall descend, during their successive lives* - - -	2,000.
54 Geo. 3. c. 164.	*To Viscount Exmouth, during his life, and, after his decease, to the succeeding heirs male of the body of the late Vice-Admiral Edward Lord Exmouth, on whom the title of Lord Exmouth shall descend, "during their natural lives."*	2,000.
3 & 4 Vict. c. 11.	*To John Lord Seaton, "for his life, and to the two next succeeding heirs male of his body who may succeed to the title of Lord Seaton, for their lives respectively."* -	2,000.
4 & 5 Vict. c. 1.	*To John Lord Keane, for his life, and to the two next surviving heirs male of his body who may succeed to the title of Lord Keane, for their lives respectively.* - - - -	2,000.
46 Geo. 3. c. 13.	*To the Honourable Sarah Collingwood, last surviving daughter of Cuthbert Lord Collingwood, for her life.* - - - -	125.
9 & 10 Vict. c 32.	*To Lord Gough, for his life, and to the two next surviving heirs male of his body "to whom the title of Lord Gough shall descend," for their lives respectively (but subject to the abatement of a moiety thereof so long as an annuity of 2000l. a year granted to the said Lord Gough by the East India Company shall continue to be paid)* - -	2,000
	The following Pensions for Civil Services; that is to say:—	
30 Geo. 3. c. 46.	*To Granville Penn, Esquire, and his heirs, being also heirs and descendants of William Penn, Esquire, the original proprietor of Pennsylvania*	4,000.
57 Geo. 3. c. 47. (Although this annuity is limited to the life of the present Lord, the Act contains the usual clause (s. 7.) against alienation for a longer period.)	*To Lord Colchester, during his life* -	3,000.
4 & 5 Will. 4. c. 24. (s. 1.)	To persons holding life pensions by Royal grants under chapter of Public Salaries and Pensions, section six, the yearly sums specified in such grants, but not exceeding for each person	2,000.

		£
57 Geo. 3. c. 65. - - As these pensions are not now grantable (4 5 & Will. 4. c. 24. ss. 1 to 5.) to any new applicant, I have thought it more convenient to specify the names of the present holders, who enjoy them under the former Act, and to print the clauses as transitory.	*To the Right Honourable Stephen Rumbold Lushington, during his life* - -	1,500.
	To the Right Honourable John Wilson Croker, during his life - - -	1,500
	To the Right Honourable Henry Hobhouse, during his life - - -	1,000
4 & 5 Will. 4. c. 24. (s. 2.)	To persons holding life pensions by Royal grants under chapter of Public Salaries and Pensions, sections seven and eleven, the yearly sums specified in such grants, but not exceeding for each person - - - - -	1,400.
4 & 5 Will. 4. c. 24. (s. 3.)	To persons holding life pensions by Royal grants under chapter of Public Salaries and Pensions, sections eight and eleven, the yearly sums specified in such grants, but not exceeding for each person - - - - -	1,200.
4 & 5 Will. 4. c. 24. (ss. 4. & 5.)	To persons holding life pensions by Royal grants under chapter of Public Salaries and Pensions, sections nine and eleven, the yearly sums specified in such grants, but not exceeding for each person - - - - -	1,000.
Chapter of Public Salaries and Pensions, (ss. 13, 14, and 16.)	To persons holding life pensions for judicial serservices under chapter of Public Salaries and Pensions, sections thirteen, fourteen, and sixteen, the yearly sums specified in such grants, subject to the conditions in the said sections mentioned.	
4 Geo. 4. c. 61. (s. 37.)	To retired Masters of the Court of Chancery in Ireland, holding life pensions by Royal grants under chapter of Public Salaries and Pensions, section fifteen, the yearly sums specified in such grants, subject to the conditions in the said section mentioned - - -	
57 Geo. 3. c. 65. (s. 6.)	*To William Richard Hamilton, Esq., during his life* - - - - - - - -	1,000.
57 Geo. 3. c. 65. (s 6.) -	*To Robert William Hay, Esq., during his life* -	1,000.
2 & 3 Will. 4. c. 109 -	*To Viscount Canterbury during his life, but in case he shall succeed to the office of Registrar of the Prerogative Court of the Archbishop of Canterbury, then the said pension to cease, or, if the net profits of such office shall be less than the amount of the said pension, to abate* pro tanto, *and so as to make up the clear yearly income of* 3000*l.* - - - - -	3,000.
8 & 9 Vict. c. 49. - -	*To Sir Henry Pottinger, Bart., during his life* -	1,500.
9 Geo. 4. c. 28.- - -	*To the trustees of "the family of the late Right "Honourable George Canning, during the life of "Charles Canning his second son," in trust for "the benefit of the said family" in manner directed by the warrant granting the same* -	3,000.
57 Geo. 3. c. 65. - -	*To the Right Honourable Sir James Stephen* -	1,000.
57 Geo. 3. c. 65. - -	*To the Right Honourable Samuel March Phillips*	1,000.
6 Geo. 4. c. 33. - -	*To the officers of the late "Company of Merchants of England trading to the Levant Seas," during their respective lives, pursuant to their warrants of grant from the Lords of the Treasury* - - - - - - -	328.
1 & 2 Geo. 4. c. 28. -	*To the officers of the late "Company of Merchants trading to Africa," during their respective lives, pursuant to their warrants of grant from His late Majesty King Geo. IV.* - -	425.
4 Geo. 4. c. 60. - -	*To persons formerly employed in the drawing of any lotteries then authorized by law, pursuant to their warrants heretofore granted unto them by the Lords of the Treasury, during the respective lives of such persons* - - -	861. 6*s.* 8*d*

		£
4 & 5 Will. 4. c. 15. (s. 29.)	*To Spencer Perceval, Esq., late Teller of the Exchequer, during his life, and in case of his decease "during the course of any quarter," then to his executors and administrators until the end of such quarter* - - - -	2,700.
4 & 5 Will. 4. c. 15. (s. 29.)	*To the Right Honourable Henry Ellis, late Clerk of the Pells, "during his life, and in case of his decease during the course of any Quarter," then to his executors and administrators until the end of such Quarter* - - - - -	1,400.
4 & 5 Will. 4. c. 15. (ss. 3 , 32, & 33.)	*To "the several other persons," late in any of the suppressed offices at the receipt or issue of the Exchequer, now surviving, during their respective lives, pursuant to their warrants, granted unto them by the Lords of the Treasury* - - - - - -	6,660.
3 Geo. 4. c. 56. - -	*To the late officers of the suppressed Board of Commissioners of Military Accounts of Ireland during their respective lives, pursuant to their respective warrants, to them granted by the Lords of the Treasury* - - - -	
4 Geo. 4. c. 61. 6 Geo. 4. c. 30. 4 & 5 Will. 4. c, 78. 7 & 8 Vict. c. 107. 11 & 12 Vict. c. 132. 13 & 14 Vict. c. 18 and c. 74. In the Finance Accounts for 1852-3, No. 53, p. 56, this item is simply entered as "Ireland: officers, late Courts of Justice; granted by various Acts;" but the particular officers or courts are not specified	The following life pensions or compensations for losses in respect of emoluments suppressed or reduced by Parliament, in reforming the administration of justice, that is to say:— *To the late officers of certain Courts of Justice in Ireland, unto whom life pensions have been hitherto payable, under Authority of Parliament, the amounts payable unto them respectively, but not exceeding, in the aggregate, the yearly sum of* - - -	1,345 10*s.* 14,511 19*s* 1*d.*
2 & 3 Will. 4. c. 111. (ss. 1 & 2.) 15 & 16 Vict. c. 87. (s. 23 & 49.)	*To the late Keeper or Clerk of Her Majesty's Hanaper in England, Deputy-Clerk of the said Hanaper, Chaffwax and Deputy-Chaffwax in England, and Sealer and Deputy-Sealer in England, such amounts of yearly allowances, or compensations, as are now payable unto them respectively, under any directions heretofore given by the Lords of the Treasury, but not exceeding in all the yearly sum of* - -	1,593 6*s.* 11*d.*
7 Will 4. and 1 Vict. c. 30. (ss. 25, 26, & 27, & Schedule A.)	*To the persons lately holding respectively certain offices on the Plea side of the Court of King's Bench, or in the Court of Common Pleas, or on the Plea side of the Court of Exchequer in England, respectively, and to whom, in respect of the suppression of such offices, certain yearly compensations have been heretofore awarded to be paid out of the Consolidated Fund, and have been hitherto paid, the respective amounts of such compensations, but not exceeding in all the yearly sum of* - - -	32,357 5*s.* 9*d.*
11 Geo. 4. and 1 Will. 4. c. 70. (ss. 24, 25, & 26.) 1 & 2 Will. 4. c.35. (s. 4.)	*To the persons lately holding offices in the abolished circuits of Chester, North Wales, and Brecon, the respective annuities or compensations, hitherto respectively paid to such persons in respect of their losses by such abolition, and not exceeding in all the yearly sum of* -	504 0*s.* 10*d.*
7 & 8 Vict. c. 96. (ss. 70, & 71.) 9 & 10 Vict. c. 95. (s. 38.)	*The annual compensations now payable under order of the Lords of the Treasury, to any persons, during their respective lives, in respect of loss of emoluments of office by amendments in the Laws of Insolvency, Bankruptcy, and Execution, or for the recovery of Small Debts and Demands, but not exceeding in all the yearly sum of* - - - - - - -	13,006 0*s.* 11*d.*

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12 & 13 Vict. c. 101. (ss. 13 & 17)	*The annual compensations now payable, under orders of the Lords of the Treasury, to any persons during their respective lives in respect of loss of franchises, offices, or emoluments, by the abolition of the Court of the Marshalsea of Household of the Kings of England, the Court of our Lady the Queen of the Palace of the Queen at Westminster, or Her Majesty's Court of Record for the Honour of Peveril and addition Limits of the same, but not exceeding in all the yearly sum of* - - - -	*5,632. 5s. 4d.*
7 Will. 4. and 1 Vict. c. 30. (s. 18.)	The yearly salaries of officers and expenses of offices of the Court of Common Pleas in England; so far as the fees received by the Masters in the said court shall be found insufficient to defray the same.	
6 & 7 Vict. c. 20. (s. 10.)	The yearly salaries of Officers, Clerks, and Messengers in the Crown Office of the Court of Queen's Bench in England, and the yearly expenses of carrying on the business of the said office; so far as the fees received in the said office shall be found insufficient to defray the same.	
6 & 7 Will. 4. c. 19. (ss. 4, 5, & 6.) & c. 87. (ss. 17, 18, & 19.) and 2 & 3 Vict. c. 16. (ss. 35, & 36.)	*To the respective persons who, by reason of the transfer of secular or palatine jurisdictions from the Archbishop of York and the Bishops of Durham and Ely respectively, to the Crown, or the abolition or improvement of courts, gaols, or offices within such jurisdictions respectively, have suffered the loss or diminution of emoluments; all such yearly compensations as have been hitherto payable out of the Consolidated Fund, to such persons respectively, during their respective lives, but not exceeding in all the yearly sum of* - - -	4,569 14*s.* 4*d.*
5 & 6 Vict. c. 22. (ss. 4. & 26.)	*To the respective late officers of the abolished prisons of the Marshalsea and Fleet respectively, and other persons, unto whom annual compensations in respect of their losses by such abolition have been hitherto paid out of the Consolidated Fund, the respective amounts of such compensations for their respective lives, but not exceeding in all the yearly sum of* - -	1,112.
3 & 4 Vict. c. 66. (s. 15.)	The yearly amount of any deficiency certified by the Judge of the High Court of Admiralty in England, to the Lords of the Treasury, to their satisfaction, in the Feefund of the said Court; so far as the said deficiency shall prevent the discharge of the lawful Salaries of officers, and the lawful expenses of carrying on the business of the said Court.	
9 & 10 Vict. c. 95. (s. 10.)	The respective yearly salaries of the Judges, Clerks, Treasurers, Bailiffs and officers of County Courts in England and Wales; so far as the net amount of the fees received by the Treasurers respectively shall not be sufficient to pay the same.	
7 & 8 Vict. c. 107. (s. 2.) * *The day fixed for the commencement of the Act.* (s. 1.)	*To every person, who, on the 11th day of October 1844,* had a freehold interest in any office either of the Courts of Queen's Bench and Common Pleas in Ireland, or in any office in the Pleas or Common Law side of the Court of Exchequer in Ireland, which office was suppressed on and from the said day, the full yearly amount during his life of the salary or emoluments by him yearly received up to that day in respect of such office: and to all other persons holding on the 11th day of October 1844, any other offices in the said Courts respectively, which were also suppressed on and from the said day, such yearly compensations during their*	

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	respective lives as the Lords of the Treasury have ascertained and charged on the Consolidated Fund, but not exceeding for the whole of such freehold and other offices the yearly sum of	16,315 12*s.*
13 & 14 Vict. c. 51. (s. 26.)	*So much of the respective amounts of the yearly compensations awarded by the Lords of the Treasury to persons, who by the transfer of the equitable jurisdiction of the Court of Exchequer in Ireland to the Court of Chancery in Ireland, were deprived of any offices or emoluments, as cannot be satisfied out of the accounts and funds previously chargeable with such compensations* - - - - - -	
	The miscellaneous pensions, allowances, or annuities following, that is to say: -	
	All Diplomatic Life Pensions held under section Seventeen of the Chapter of Public Salaries and Pensions - - -	
59 Geo. 3. c. 22. (s. 5.) 60 Geo. 3. and 1 Geo. 4. c. 109. 3 Geo. 4. c. 98.	*All such pensions or allowances as are now lawfully payable under grants made by the late Prince Regent, George Prince of Wales, or by the late King George IV., unto "Ladies of the "Bedchamber, Maids of Honour, and Officers "and Attendants on Her late Majesty Queen "Charlotte, and other persons to whom Her "said Majesty had granted certain Pensions "and Allowances;" or to "Officers and Attend-"ants upon His late Majesty King George "III. and other persons to whom His said "Majesty had granted Pensions and Allow-"ances payable out of His Privy Purse;" or to "Servants of Her late Majesty Queen Caroline;" but not exceeding the yearly sum of*	4,677.
1 & 2 Vict. c. 95. (ss. 1, 2 & 3.)	*All such Pensions or Annuities granted by former Sovereigns as, prior to the accession of Her present Majesty, were charged upon the Consolidated Fund, together with the Civil List Revenues of His late Majesty King William IV.; and the Four and a Half Per Centum or West Indian Duties; but not exceeding the yearly sum of* - - - - -	68,683.
Chapter of Public Salaries, &c., section 19.	All Life Pensions held by retired Bishops by Royal Grant under section Nineteen of the chapter of Public Salaries and Pensions; not exceeding for each Bishop the yearly sum of 1,000*l.* - - - - -	1,000.
54 Geo. 3. c. 83. (s. 12.) 6 & 7 Will. 4. c. 83.	*All Pensions or Allowances now lawfully payable to the late Officers and Clerks of the suppressed "Establishment of the Treasury and Exchequer in Ireland," pursuant to their respective Warrants of Grant respectively, and not exceeding the Yearly sum of* - - -	899 12*s.* 4*d.*
57 Geo. 3 c. 84. 3 Geo. 4. c. 56. (ss. 3 & 4.) 6 & 7 Will. 4. c. 83.	*All Compensations or Annual Allowances, heretofore granted by the Lords of the Treasury and now payable unto the late Officers and Clerks of the suppressed Offices of Auditor and Auditor-General of the Exchequer in Ireland respectively, pursuant to their respective Warrants of Grant, and not exceeding in all the yearly sum of* - - - -	2,698 5*s.* 6*d.*
40 Geo. 3. (I.) c 34. c. 50.	*All such annuities, allowances, and compensations as are or shall be payable under any adjudication hitherto made by the late "Commissioners, for ascertaining the allowances to be made to bodies corporate and individuals" in Ireland, for, or in respect of their loss of emoluments by the Union Act; or to the late officers or attendants of the two suppressed Houses of Parliament in Ireland; not exceeding in the whole the yearly sum of* - -	2,303 8*s.* 1*d.*

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38 Geo. 3. (I.) c. 68. 39 Geo. 3. (I.) c. 65. 40 Geo. 3. (I.) c. 49.	*All such annuities, allowances, and compensations, as are or shall be payable under any adjudications or awards hitherto made in Ireland, by the late "Commissioners, to inquire into losses of such of his late Majesty King George the Third's loyal subjects, as had been sufferers in their property during the late rebellion;" or otherwise under any grants of annuities hitherto made by his said late Majesty, for services done or injuries sustained in Ireland during such rebellion, but not exceeding the yearly sum of* - - - -	1,838 3*s.* 6*d.*
5 Geo. 4. c. 23.	All "allowances or annual sums" lawfully granted by any Chief Governor of Ireland, with the concurrence of the Lords of the Treasury, to persons resigning or vacating their offices of Commissioners of the Board of Works in Ireland during their lives respectively; but not exceeding one-half of their respective salaries at the times of their respective resignation or vacation, and subject to total suspension thereof or (as the case may be), to abatement thereof *pro tanto* in the event of such persons holding any offices, places, or employments of profit under the Crown -	
37 Geo. 3. (I.) c. 62. I have followed the inartificial language of this enactment and the next.	*To the Trustees of Mrs. Sarah Hamilton, widow of the Rev. Doctor William Hamilton, late Rector of Clondevadouge, in the county of Donegal, deceased, and her children by the said William Hamilton, in trust for the benefit of the said widow, during her life; and after her death, in trust for the use of the said children during their respective lives, in equal portions, the yearly sum of* - -	625 0*s.* 8*d.*
37 Geo. 3. (I.) c. 63.	*To the Trustees of Mrs. Alicia Knipe, widow of the Rev. George Knipe, late Rector of Castlerichard, in the county of Meath, deceased, and the children of the said George Knipe, in trust for the benefit of the said widow and children during her life, in such proportions as the same have been hitherto paid; and after her decease, in trust for the benefit of the said children during their respective lives, in such proportion as to the said Trustees or a majority of them shall seem most beneficial, the sum of* -	222 18*s.* 8*d.*
The general Act is the 4 & 5 Will. IV., c. 116. (ss. 9 to 30.) But the qualifications introduced by subsequent statutes are so numerous and minute as to make the attempt to classify them very difficult. An entire revision of these regulating enactments is highly desirable; but the principle of the revision must first be ascertained.	All superannuation allowances (not otherwise provided for) granted or to be granted to Officers and Clerks who have served during the respective periods appointed by the laws for regulating such allowances respectively -	
	The yearly salaries and allowances following (that is to say):	
4 & 5 Will. 4. c. 70. (s. 1.) Chapter of Public Salaries and Pensions, Section 1 *a.*	To every Speaker of the House of Commons -	5,000.
	To every Lord Lieutenant of Ireland for the time being, such salary as Her Majesty may appoint, but not exceeding - - -	20,000.
4 & 5 Will. 4. c. 15. (s. 1.)	To every Comptroller-General of the Receipt and Issue of the Exchequer - - -	2,000.
	To Her Majesty's Diplomatic Servants, their salaries and allowances, under section Seventeen of the Chapter of Public Salaries and Pensions - - - - -	

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46 Geo. 3. c. 141. (s. 3.)	To every Chairman for the time being of the Board of Commissioners for Auditing the Public Accounts, holding his salary under Royal Grant - - - - - - - -	1,500.
46 Geo. 3. c. 141. (s. 3.)	To each of the other Commissioners for Auditing the Public Accounts, holding his salary under Royal Grant - - - -	1,200.
46 Geo. III. c. 141. (s. 4.)	For the salaries of the other officers, clerks, and persons employed, and for incidental expenses lawfully incurred in the Office for Auditing the Public Accounts, such yearly sums as the Lords of the Treasury shall appoint -	
6 Geo. 4. c. 88. (ss. 1 & 2.)	To the Bishop of Jamaica, and every Bishop of Barbados and the Leeward Islands in the West Indies, respectively - - -	4,000.
6 Geo. 4. c. 88. (ss. 1 & 2)	To every Archdeacon of Jamaica, every Archdeacon of Barbados, and every Archdeacon of Antigua - - - - - - -	2,000.
6 Geo. 4. c. 88. (ss. 1 & 2.)	" To each of the seven Ministers of the Gospel in the diocese of Jamaica, and to each of the thirteen Ministers of the Gospel in the diocese of Barbados and the Leeward Islands"	300.
6 Geo. 4. c. 88. (ss. 1 & 2.)	To each of the three Catechists in the diocese of Barbados and the Leeward Islands -	100.
2 & 3 Will. IV. c. 116. (s. 11.)	All salaries and allowances which, prior to the accession of His late Majesty King William IV., were chargeable upon or payable out of the Civil List Revenues of England or Ireland, or the Hereditary Revenues of Scotland, and which are not provided for in the present Civil List; but not exceeding in the aggregate the yearly sum of - -	20,309
Chapter of Public Salaries and Pensions, section 2 *a*.	To every Inspector of Anatomy, his salary or allowance under chapter of Public Salaries and Pensions, section Two *a*. - -	
Chapter of Public Salaries and Pensions, section 2 *b*.	An allowance for the yearly salaries and expenses of the establishment of the Commissioners for the Reduction of the National Debt, and other expenses, under chapter of Public Salaries and Pensions, section Two *b*. - -	
Chapter of Public Salaries and Pensions, section 1 *b*.	The salaries and allowances of the Tithe Copyhold and Inclosure Commissioners and Assistant Commissioners, and the clerks, messengers, and officers of their establishments, under chapter of Public Salaries and Pensions, section One *b*. - - - - - -	
Chapter of Public Salaries and Pensions, section 1 *b*.	The salary of the Registrar-General, and the salaries of officers, clerks, and servants, and the allowances for expenses of the General Register Office, under chapter of Public Salaries and Pensions, section One *b*. -	
Chapter of Public Salaries and Pensions, section 1 *b*.	The salaries of officers, clerks, and servants, and the allowances for charges and expenses incurred in the execution of the Parliamentary powers, specified in chapter of Public Salaries and Pensions, section One *b*. - -	
57 Geo. III. c. 67. s. 2.) 7 Will. IV., & 1 Vict. c. 9. (s. 2.) It is difficult to understand whether this office is intended to be continued after the death of the present Comptroller.	*To the present Comptroller of the Mint, the salar- of* - - - - - - - - - -	289 10*s*.
7 Will. IV., & 1 Vict c. 46 (s. 12.)	For salaries " to the Preacher and Reader of " the Rolls Chapel, in the county of Middle- " sex, and to the Clerk attending the per- " formance of Divine service there, and for " keeping the said Chapel clean;" to be paid " in such proportions and manner as the " Master of the Rolls shall direct," the yearly sum of - - - -	225.

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3 Geo. IV. c. 56. (ss. 1, 2 & 3.) 6 & 7 Will. IV. c. 83 (s. 1.) and Treasury minute of 9th May, 1837, issued under the last Act.	The salaries of Officers, Clerks, and Servants in the Record Branch of the Office of Paymaster of Civil Services in Ireland, as regulated from time to time by the Lords of the Treasury, but not exceeding in all the yearly sum of -	1,000.
41 Geo. III. c. 32 (ss. 1 & 2. 40 Geo. III. (I) c. 60. ss. 3 & 25.	To "the President and Members of the Royal "Irish Academy, for the purposes of their "Institution," such yearly allowance as the Lords of the Treasury shall by warrant direct, not exceeding the sum of - - -	107 13*s.* 6*d.*
41 Geo. III. c. 22. (ss. 1 & 2.) The 30th April, 1801, is the date of the passing of this Act, and I have chosen this mode of reference in preference to the usual mode, with a view to the repeal of the Act.	The allowances, on and from the 30th April 1801, hitherto payable under Treasury warrant, to Irish Archbishops, Bishops, Deans and Chapters, Rectors, Vicars, Vicars Choral, Ordinaries or Chaplains, Ministers of French or German Congregations in Ireland, the Provost and Fellows of Trinity College, Dublin, the Attendant on the Nautical Observatory in Dublin, and other Irish officers respectively; but not exceeding in all the yearly sum of - - - - - - - - -	1,567 17*s.* 4*d.*
8 & 9 Vict. c. 66. s. 12.	"The several stipends by Her Majesty appointed to be paid to the Presidents, Vice-Presidents, Professors, Bursars, Registrars, Librarians, office-bearers and servants of the Queen's Colleges in Ireland, respectively, and the expenses of prizes and exhibitions by Her Majesty awarded for the encouragement and reward of students in such Colleges respectively;" not exceeding for each College the yearly sum of 7,000*l.*, and in all the yearly sum of - - -	21,000.
53 Geo. III. c. 107. (s. 4.) 3 Geo. IV. c. 79.	To "the Commissioners of Education in Ireland," for the salary of a Secretary, and towards their other incidental expenses; such yearly sum as the Lords of the Treasury shall direct, but not exceeding - - - -	700
7 & 8 Vict. c. 97. (ss. 7 & 8.)	The respective salaries appointed by the Lords of the Treasury to be paid to secretaries, officers, clerks, and servants, and other the expenses of carrying on the business of the Commissioners of Charitable Donations and Bequests for Ireland (except where otherwise provided for).	
Chapter of Public Officers, &c., section 3. 6 & 7 Will. IV. c. 110. s. 2.	To the respective proprietors or managers of the library of Sion College, the libraries of the four universities of Scotland, and the King's Inn library at Dublin, such annual sums respectively as have heretofore been directed and are now payable by the Lords of the Treasury, and to be applied as specified in chapter of Public Officers of the Civil Service, section Three.	
7 & 8 Vict. c. 84. (ss. 94, 96, & 97.	The respective balances of salaries granted by Her Majesty, and payable out of the Consolidated Fund to the official referees of metropolitan buildings, and registrar of metropolitan buildings; not exceeding in all the yearly sum of - - - -	1,500.
8 & 9 Vict. c. 100. (ss. 3, 4, 9, 11, & 35.)	So much of the yearly salaries not exceeding 1,500*l.* each, and travelling and other expenses of the six paid Commissioners in Lunacy, and the yearly salary (not exceeding 800*l.*) of their secretary, and the salaries of clerks and servants, and the other charges and expenses of or incident to the execution of the laws for regulating the cure and treatment of lunatics, as the Lords of the Treasury shall, upon the certificate of the Commissioners of the inadequacy of the lawful fees received by their secretary, to	

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	pay such salaries, charges, and expenses, direct to be paid out of the Consolidated Fund.	
12 & 13 Vict. c. 72. (ss. 2 & 3.)	*To the present Clerks Assistant of the House of Commons, the present Serjeant-at-arms attending the said House, the present Deputy Serjeant-at-arms attending the said House, and the present Secretary to the Speaker of the House of Commons, their present salaries, amounting in all to* - - - - - -	*6,000.*
13 & 14 Vict. c. 115. (s. 10); 15 & 16 Vict. c. 55. (s. 2.)	"The deficiency of the fees" lawfully received by the Registrars of Friendly Societies, in the United Kingdom respectively, "to defray their salaries," (not exceeding 1000*l.* a year, for the present Registrar in England, and 800*l.* a year for every other Commissioner now appointed or hereafter to be appointed); and the other salaries and expenses of their officers respectively" - - -	
7 & 8 Vict. c. 81. (ss. 53 & 54.)	The salary (not exceeding 800*l.* a year) appointed by the Lords of the Treasury to be paid to the Registrar-General of Marriages in Ireland, and the salaries by them appointed to be paid to his officers, clerks, and servants and other the expenses of carrying on the business of the General Register Office in Dublin - - - - - -	
8 & 9 Vict. c. 25. (s. 4.)	The salaries, commons, and expenses of the president, vice-president, officers, and professors of the College of Maynooth, in Ireland, not exceeding, in all, the yearly sum of - - - - - -	6,000.
8 & 9 Vict. c 25. (s. 5. and Schedule A.)	For a provision for the 20 senior students on the Dunboyne establishment and for 250 free students in the three senior classes of the College of Maynooth, the yearly sum of -	5,800.
8 & 9 Vict. c. 25. (s. 7.)	For the expenses, commons allowance, and other necessaries for the 20 senior students on the Dunboyne establishment, and all the free students in the College of Maynooth, a yearly sum not exceeding - -	14,560.
10 Geo. IV. c. 41. (ss. 3, 4, 5, & 6.)	*All compensations or allowances now payable to Weighmasters of butter, under any orders or warrants heretofore made by the Lords of the Treasury in respect of losses in the respective amounts of their legal fees in consequence of any former amendment of the laws for the regulation of the butter trade in Ireland* - -	
	The yearly salaries and allowances for judicial services following, that is to say:—	
15 & 16 Vict. c. 87, (s. 16.)	To the Lord Chancellor of Great Britain (including his salary as Speaker of the House of Lords) - - - - - -	10,000.
6 Geo. 4. c. 82. (s. 9.) - 2 & 3 Will. 4. c. 116. (s. 1.) 14 & 15 Vict. c. 41.	To the Lord Chief Justice of the Court of Queen's Bench, in England - -	8,000.
14 & 15 Vict. c. 83. (s. 18.)	To the Master of the Rolls in England -	6,000.
2 & 3 Will. 4. c. 116. (s. 1.); 14 & 15 Vict. c. 41.	To the Lord Chief Justice of the Court of Common Pleas in England - - -	7,000.
2 & 3 Will. 4. c. 116. (s. 1.)	To the Lord Chief Baron of the Court of Exchequer in England - - -	7,000.
15 & 16 Vict. c. 87. (s. 16.)	To each of the Lords Justices of the Court of Appeal in Chancery - - - -	6,000.
15 & 16 Vict. c. 87. (s. 16.	To every Vice-Chancellor of the Court of Chancery - - - - - -	5,000.
2 & 3 Will. 4. c. 116. (s. 1.)	To every Puisne Judge of the Courts of Queen's Bench and Common Pleas in England, and every Baron of the Coif of the Court of Exchequer in England - - -	5,000.
2 & 3 Will. 4. c. 116. (ss. 1 & 2.)	*To George Bankes, Esquire, Cursitor Baron of the Court of Exchequer in England (besides his fees of office)* - - - -	243.
3 & 4 Vict. c. 66. (s. 1.)	To the Judge of the High Court of Admiralty in England - - - - -	4,000.

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7 & 8 Vict. c. 71. (s. 10.)	To the Assistant Judge of the Court of Sessions of the Peace for the County of Middlesex -	1,200.
2 & 3. Will. 4. c. 116. (s. 1.)	To the Lord Chancellor of Ireland - -	8,000.
2 & 3 Will. 4. c. 116. (s. 1.)	To the Lord Chief Justice of the Court of Queen's Bench in Ireland - - -	5,074. 9*s.* 4*d.*
4 Geo. 4. c. 61. (s. 26.) 2 & 3 Will. 4. c. 116. (s. 2.)	To the Master of the Rolls in Ireland - -	3,969. 4*s.* 8*d.*
2 & 3 Will. 4. c. 116. (s. 1.)	To the Lord Chief Justice of the Court of Common Pleas in Ireland - - -	4,612. 18*s.* 8*d.*
2 & 3 Will. 4. c. 116. (s. 1.)	To the Lord Chief Baron of the Court of Exchequer in Ireland - - -	4,612. 18*s.* 8*d.*
2 & 3 Will. 4. c. 116. (s. 1.)	To the Second Justice of the Court of Queen's Bench in Ireland - - - -	3,725. 19*s.* 4*d.*
2 & 3 Will. 4. c. 116. (s. 1.)	To every other Puisne Justice of the Courts of Queen's Bench and Common Pleas in Ireland, and every Baron of the Court of Exchequer in Ireland - - - -	3,688. 12*s.* 4*d.*
40 Geo. 3. (I.) c. 69. (s. 9.)	To such person as shall be appointed to go and shall go the whole or part of any circuit in Ireland in the place of any judge or baron by sickness prevented from going such circuit, or part of circuit, any sum which the Lord Lieutenant shall think fit, not exceeding -	400.
7 & 8 Geo. 4. c. 44. (s. 2.)	To the Judge or Commissioners of the Court of Prerogative for Causes Ecclesiastical and Court of Faculties in Ireland - -	3,000.
52 Geo. 3. c. 78. (s. 1.)	To the Commissioner of Appeals in Revenue	
1 & 2 Geo. 4. c. 5. (s. 4.)	Cases in Ireland - - - -	800.
1 & 2 Geo. 4. c. 59. (s. 4.)	To the two Commissioners for the Relief of Insolvent Debtors in Ireland, for their yearly salaries, of 1,846*l.* 3*s.* 4*d.* each, the yearly sum of - - - - -	3,692. 6*s.* 8*d.*
2 & 3 Will. 4. c. 116. (s. 1.)	To the Judge of the Admiralty Court in Ireland, for his salary, the yearly sum of -	500.
	To the Persons and Officers undermentioned, (over and above the annual sums payable to them respectively for the Registration or Revision of the Lists of Parliamentary Voters in Ireland), the yearly salaries following, that is to say,—	
14 & 15 Vict. c. 57. (s. 4. and Schedule B.)	*To Henry Kemmis, Esq., while Chairman of the Sessions of the Peace for the county of Dublin*	900.
	To the present Assistant-Barrister of the county of Tipperary - - - -	1,600.
	To the present Assistant-Barrister of the East Riding of the County of Cork - -	1,200.
	To every Assistant-Barrister for a county or riding in Ireland, being of the first class -	1,000.
	To every such Assistant-Barrister, being of the second class - - - -	800.
	To every such Assistant-Barrister, being of the third class - - - - -	600.
6 & 7 Vict. c. 18. (s. 59.)	To every Barrister appointed originally to revise any Lists of Parliamentary Voters in England and Wales, by way of remuneration unto him, and in satisfaction of his travelling and other expenses - - - -	210.
6 & 7 Vict. c. 18. (s. 59.)	To every other Barrister appointed in addition to such barrister to revise the said lists, such sum as the Lords of the Treasury shall find to be due unto him for such his remuneration and expenses, but not exceeding -	100.
2 & 3 Will. 4. c. 88. (s. 67.) 14 & 15 Vict. c. 57. (s. 4.) The first Act, although it charges the Consolidated Fund with the fees payable to the barristers (not	To every Chairman of Sessions, or Assistant-Barrister in Ireland, presiding at any Sessions for the Registration or Revision of the Lists of Parliamentary voters in Ireland, such salary as the Chief Governor of Ireland shall, from time to time direct, but not exceeding -	100.

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being assistant barristers) presiding at the first sessions under the Act, does not expressly charge the salaries of the assistant barristers on that fund; but the inference is in favour of that construction; and the 14 & 15 Vict. c. 57. (s. 4.), which charges their *ordinary* salaries on the Consolidated Fund, expressly refers to the first Act.		
	The sums and allowances undermentioned, for miscellaneous services connected with the administration of justice: that is to say,—	
2 & 3 Vict. c. 71. (s. 11.)	Towards defraying the salaries and retiring allowances of Magistrates, and the salaries of Clerks and Officers of the Police Courts in the Metropolis; and all expenses of holding the Courts and putting in execution the laws for the more effectual administration of justice in the office of a Justice or Peace in the Metropolis, and for the more effectual prevention of depredations on the River Thames and in its vicinity, such sums (over and above charges for repairing and furnishing,) as Her Majesty shall direct, but not exceeding the yearly sum of - - -	50,000.
3 & 4 Will. 4. c. 89. (ss. 1 & 2.)	Towards the general maintenance of the Police Force of the metropolis, such yearly sum as the Lords of the Treasury shall direct, but not exceeding - - - -	60,000.
2 & 3 Vict. c. 47. (s. 6.)	For "defraying the increased quarterly charge of the establishment of the Metropolitan Police Force by reason of their being required to perform the duties of mounted police, river police, and police van service"; *and the charge of superannuation allowances to certain surveyors and constables;* such yearly sums as the Lords of the Treasury shall direct, but not exceeding in all the yearly sum of -	20,000.
2 & 3 Vict. c. 47. (s. 19.)	To the two Commissioners of Metropolitan Police such yearly salaries as Her Majesty shall direct, but not exceeding in all the yearly sum of - - - -	2,400.
6 & 7 Will. 4. c. 29. (s. 3.)	To the two Justices of the Peace for, and of the police district of Dublin metropolis, such quarterly salaries as the Lord Lieutenant of Ireland shall direct, but not exceeding in all the yearly sum of - - - -	1,600.
9 & 10 Vict. c. 97. (s. 2.) 10 & 11 Vict. c. 100. (s. 8.)	All such sums of money as the Lords of the Treasury shall think necessary, and shall order to be advanced for the necessary and reasonable costs, charges, and expenses for and in respect of the Irish Constabulary Force and reserve force, and any addition to such reserve force in and throughout Ireland, except where otherwise by law directed.	
10 & 11 Vict. c. 100. (s. 7.)	All "pensions or superannuations" payable to "officers, head or other constables, or sub-constables" in the Irish Constabulary Force, reserve Force, or addition to such reserve force respectively in Ireland, so far as the police reward fund thereto applicable shall be insufficient to discharge the same - -	

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9 & 10 Vict. c. 95. (s. 23.)	The yearly salaries of the Treasurers of County Courts, according to the amounts ordered by the Lords of the Treasury, but not exceeding in all the yearly sum of - - -	11,683. 4*s.* 2*d*
3 & 4 Will. 4. c. 84. (s. 4.)	To the Clerk of the Patents in the Court of Chancery in England, the yearly salary of -	400.
5 & 6 Will. 4. c. 47. (s. 4.)	To the Clerk of the Crown in the Court of	
5 & 6 Will. 4. c. 47. (ss. 1 to 4.)	Chancery in England, for his yearly salary,	
15 & 16 Vict. c. 87. (s. 23.)	and for the salaries of his clerks, and other incidental and necessary expenses of his office, a yearly sum not exceeding - -	1,000.
5 & 6 Vict. c 22. (ss. 24, 25 & 26.)	The yearly salaries appointed by the Lords of the Treasury to be respectively paid to the keeper, clerk of the papers, and chaplain of the Queen's Prison in Southwark, not exceeding 800*l.* for the said keeper, and 400*l.* for the said clerk of the papers in the said prison, and 150*l.* for the said chaplain; and the yearly allowances appointed by them to be paid to the surgeon, matron, and other officers and servants of the prison; but not exceeding in the whole for such salaries and allowances the yearly sum of - - -	3,000.
7 Geo. 4. c. 74. (s. 119.)	To the Marshal of the Four Courts of Dublin, such yearly salary as the Lord-Lieutenant shall appoint, not exceeding the sum of -	900.
7 Geo. 4. c. 74. (ss. 7, 69, & 123.) Compare the repealed Act, 50 Geo. 3. c. 103. (s. 47.)	The salaries of such Inspector of the Marshalsea of the Four Courts of Dublin, such Protestant and Roman Catholic Chaplains, Physician, Surgeon, Apothecary, and officers of the said prison as the Lord-Lieutenant shall appoint; and the quarterly expenses of repairing the said prison, and all other expenses, ("to be vouched by the local Inspector on oath,") of the said prison.	
40 Geo. 3. (I.) c. 39. (s. 4.)	To the Clerk of the Court of Errors in Dublin,	
16 & 17 Vict. c. 113. (s. 176.) The actual amount of salary appears in the annual Finance Accounts. The 40 Geo. 3. (I.) c. 39. (s. 4.) provides that 300*l.* a year, Irish currency, shall be the maximum payable to the Clerk of Errors.	the yearly salary of - - - -	266. 18*s.* 8*d.*
7 & 8 Vict. c. 107. (s. 1.)	The yearly salaries of Officers, Assistants, and	
13 & 14 Vict. c. 18. (s. 32.)	Clerks, in the Writ and Appearance and Seal Office in Dublin, and the yearly expenses of carrying on the business of the said Office.	
7 & 8 Vict. c. 90. (s. 22.)	The yearly salaries of the Registrar of Judg-	
13 & 14 Vict. c. 74. (ss. 2 & 9.)	ments in Ireland, and of his Clerks, and the other expenses of his office, from time to time regulated by the Lords of the Treasury, but not exceeding in all the yearly sum of -	1,828.
4 Geo. 4. c. 61. (s. 29.)	The yearly salaries of the Masters in Ordinary, in the Court of Chancery in Ireland, being for the present Senior Master, the yearly sum of 3,309*l.*; and for each of the other Masters the yearly sum of 2,769*l.* 4*s.* 8*d.* each, and making in all the yearly sum of -	14,117. 10*s.* 8*d.*
4 Geo. 4. 61. (s. 55.)	The salary of the Accountant-General of the Court of Chancery in Ireland, and the salaries of his three Clerks, amounting to the yearly sum of - - - -	1,280.
6 Geo. 4 c. 30. (s. 1.)	To every Examiner-in-Chief of the Court of Chancery in Ireland for his yearly salary, and for the salary of his Clerk, the sum of -	400.

		£.
4 Geo. 4. c. 61.	*The yearly salary of the present Senior Taxing Master in the Court of Chancery in Ireland*	
11 & 12 Vict. c. 132. (s. 2) 6 Geo. 4. c. 30.	Such yearly salaries to the other Taxing Masters in the said Court, now, or hereafter to be appointed, as the Lords of the Treasury shall direct, but not exceeding for each Taxing Master the yearly sum of - - -	1,040.
6 & 7 Will. 4. c. 74. (ss. 2 & 3.)	The yearly salary and allowances of the Clerk of the Crown in the Court of Chancery in Ireland, not exceeding - - -	800.
4 Geo. 4. c. 61. 6 Geo. 4. c. 30. 6 & 7 Will. 4. c. 74.	The yearly salary of the Clerk of Recognizances in the said Court. The yearly salary of the Deputy Keeper of the Rolls in Ireland.	664. 17*s* 1*d*.
7 & 8 Vict. c. 107. (s. 36, & schedule D.)	To the principal taxing officer in Common Law business, the assistant taxing officer and clerk in Ireland respectively, their respective salaries, amounting in all to the yearly sum of -	1,800.
16 & 17 Vict. c. 55. (s. 6, & schedule A.) 7 & 8 Vict. c. 107. (s. 19, & schedules A. B. & C.) 13 & 14 Vict. c. 18.	To the officers, clerks, and assistants, of the respective Courts of Queen's Bench, Common Pleas, and Exchequer in Ireland, for their yearly salaries, and in such proportions as the same are now payable, a yearly sum, not exceeding - - - -	12,500.
1 & 2 Geo. 4. c. 59. (s. 4.)	For defraying the travelling expenses of the Commissioners for the Relief of Insolvent Debtors in Ireland, such sums as shall be from time to time allowed and directed by the Lord Lieutenant of Ireland - -	
1 & 2 Geo. 4. c. 59. (s. 1.)	To the officers and clerks of the Court for Relief of Insolvent Debtors in Ireland, for their yearly salaries, the sums appointed by the Commissioners of the said court, not exceeding in all the yearly sum of - -	200.
1 & 2 Geo. 4. c 59. (s. 7.)	For the travelling expenses of officers and clerks and other expenses of carrying on the business of the Court for Relief of Insolvent Debtors in Ireland, such sums (being first certified by the chief clerk and fiated by the Commissioners of the said court) as the Lords of the Treasury shall direct.	
	And all advances on loan or otherwise for the following miscellaneous services, that is to say:—	
Chapter of Public Officers, &c., section 3.	To the Master or Worker of the Mint such sums as shall be from time to time directed to be issued under chapter of Public Officers of the Civil Service, section Three, by the Lords of the Treasury.	
9 & 10 Vict. c. 101. (s. 9.) 13 & 14 Vict. c. 31. (ss. 1, 2, & 3.)	*To the Inclosure Commissioners for England and Wales, such sums as the Lords of the Treasury shall direct, to be laid out in Great Britain for the purposes of the laws authorizing advances of money for drainage and the improvements of land in the United Kingdom; not exceeding in all the sum of* -	2,000,000.
14 & 15 Vict. c. 89. (s. 1.) 15 & 16 Vict. c. 85. (ss. 45 & 46.)	*Such sums of money as the Lords of the Treasury shall think fit to issue, for the purpose of the laws for regulating Metropolitan Interments, but not exceeding in all the sum of*	137,000.
9 & 10 Vict. c. 80. (ss. 1. & 2,) & c. 85. 14 & 15 Vict. cc. 23 & 24.	To the Commissioners for the Reduction of the National Debt, on account of the Public Works Loan Fund, such sums as the Lords of the Treasury, for the purposes of the laws regulating such Loan Fund, shall direct; but not exceeding in all the yearly sum of -	360,000.
6 Geo. 4. c. 101. (s. 4.) 1 & 2 Will. 4. c. 33. 6 & 7 Will. 4. c. 116. s. 61.)	To the Commissioners, acting under and in the execution of the laws for making new lines of Post Roads and repairing Roads and Bridges in Ireland, such sums as the Lord-Lieutenant	

		£
	of Ireland shall for the purposes of the said laws direct, but not exceeding in all the yearly sum of - - - - - -	14,000.
7 Geo. 4. c. 74. (s. 7.)	For defraying the expenses of building, purchasing, procuring, altering, enlarging and repairing the Marshalsea of the lower Courts in Dublin, and every Penitentiary House or Houses in Ireland, and all and every rent payable for or in respect thereof, or of the ground or appurtenances thereof respectively	
6 Geo. 4. c. 55. (s. 1.)	For maintaining and supporting any Asylum for the Lunatic Poor in Ireland, when erected under the laws for establishing such Asylums, such sums as the Lord-Lieutenant of Ireland in Privy Council, shall order and direct, but not exceeding in any one quarter of a year the sum of - - - - - - -	10,000.
6 & 7 Will. 4. c. 84. (ss. 46 & 47.)	Such sums as the Lord-Lieutenant of Ireland shall direct for payment of salaries (not exceeding 500*l.* per annum apiece,) of Commissioners of Valuation, and their travelling expenses; and for other allowances payable to persons employed in carrying into execution the laws for the uniform valuation of lands and tenements in Ireland, and for the other expenses of carrying the said laws into execution.	
10 & 11 Vict. c. 32. (s. 15.)	*Such sums of money as the Lords of the Treasury, on the application of the Commissioners of Public Works in Ireland, shall direct, for defraying the expense of parliamentary surveys, inspections, and investigations, and other proceedings preliminary to making loans or advances of public money under the laws for facilitating the improvement of landed property in Ireland;" but not exceeding in all the yearly sum of* - - - - - - - -	5,000
10 & 11 Vict. c. 32. (ss. 1, 2, 3, 4, & 5.)	*Such sums of money as may be from time to time required by the Commissioners of Public Works in Ireland, and sanctioned by the Lords of the Treasury, for the purposes of the laws for facilitating the improvement of land in Ireland, but not exceeding in all, at any one time, the sum of* - - - - - - - - - -	1,500,000
13 & 14 Vict. c. 31 (ss. 1. 11. & 12.)	*Such sums of money as may be from time to time required by the Commissioners of Public Works in Ireland, and sanctioned by the Lords of the Treasury, for the purposes of the laws authorizing further advances of money for drainage and the improvement of landed property in the United Kingdom; but not exceeding in all the sum of* - - - - - -	1,000,000
12 & 13 Vict. c. 62. (s. 1.)	*Such sums of money as the Lords of the Treasury shall think fit to direct, to be from time to time issued under the laws for authorizing an advance of money to "the Midland Great Western Railway of Ireland Company"; but not exceeding in all the sum of* - - - - - - -	500,000.
11 & 12 Vict. c. 130. (s. 1.)	*Such sums as shall be required to make good any deficiency which shall happen in the regular payment, on the part of the colonies or possessions of Her Majesty, on the continent of South America, or in the West Indies, or the Mauritius, of the interest accruing due at 4 per cent. per annum, upon any loans raised by such colonies or possessions, upon any guarantee heretofore given by Her Majesty; such loans not exceeding in the whole the principal sum of* 500,000*l.*	

DRAFT

OF A

BILL

TO

Consolidate several Enactments relating to Public Officers of the Civil Service.

[Note.—The Words printed in *Italics* denote Matter of a transitory or temporary Nature, and the Words printed in small Type denote Matter to be displaced hereafter.]

WHEREAS it will greatly facilitate the Consolidation of the Statutes now in progress if the Enactments relating to Public Officers of the Civil Service are from Time to Time reduced into One or more Act or Acts; Be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

I. The Lords of the Treasury are appointed from Time to Time by Her Majesty under the Royal Sign Manual, and are, respectively, the Officers following; that is to say, the Person for the Time being holding under such Appointment the Office of Lord High Treasurer of the United Kingdom of Great Britain and Ireland, and any Number of Lords Commissioners, not exceeding Five, nor less than Three (and whereof Two shall form a Quorum,) who for the Time being shall be appointed by Her Majesty to execute the Duties of such Office; and all Powers, Authorities, and Duties incident to the said Office

6 Anne c. 41. (Stat. of the Realm, s. 26.),
35 Geo. 3. (I.) cc. 18. and 28.
56 Geo. 3. c. 98. (s. 14.),
3 Geo. 4. c. 56.,
6 & 7 Will. 4. c. 83.
12 & 13 Vict. c. 89.

Office of Lord High Treasurer shall, during the Vacancy of such Office, devolve upon and be vested in the Lords Commissioners; and all Powers, Authorities, and Duties incident to the said Office of Lords Commissioners shall likewise, whenever there shall be a Lord High Treasurer, devolve upon and be vested in the said Lord High Treasurer.

II. The Lords of the Treasury shall appoint and have under them Two joint Secretaries to the Treasury, and Chief Clerks, and such Number of other Clerks and Assistants, and at such Salaries, as the said Lords shall from Time to Time appoint.

Stat. Rothlan, 12 Edw. 1., 56 Geo. 3. c. 98. (s. 2.), 4 Inst. ff. 104, 105, 14. St. Tr. f. 65.

III. The following are the Duties of the Lords of the Treasury; that is to say, "Truly to keep and dispense the Queen's Treasure and Revenue," at the Receipt and Issue of Her Majesty's Exchequer, in manner following; that is to say,

56 Geo. 3. c. 98. (s. 2.), 4 & 5 Will. 4. c. 15. (ss. 1. to 6., 11. to 17., and 22.

1. To superintend and direct the Chancellor and Comptroller General of the Exchequer in the Discharge of their respective Offices and their Accounts of the same respectively, and to order and regulate all Payments into and Issues out of the said Exchequer in such Manner as by Law required.

Ibid. and ibid. This is the Substance and Effect of the common Clauses in the Revenue Acts, Law Reform Acts, Public Works Acts, and generally all Acts relating to Charges on the Consolidated Fund or yearly Supplies.

2. To superintend and enforce the Collection of the Public Revenue; to grant, when they shall see Cause, Remissions or Abatements of Customs, Taxes, or Duties; and to order and direct the Proceedings of all Persons, concerned in the Collection or Management of such Revenue in every Department of the Public Service, or in the Payment of such Revenue to, or to the Account of, the said Exchequer, in respect of such Collection, Management, or Payment, except where otherwise expressly by Law provided.

48 Geo. 3. c. 1. (ss. 2., 4., 10., and 11.), 4 & 5 Will. 4. c. 15. (s. 26.), 5 & 6 Vict. c. 66. (s. 7.), 16 & 17 Vict. c. 23. (ss. 37. to 39. and s. 41.) and c. 132. (ss. 9., 10., and 11.)

3. To make Orders and Regulations for the due making, keeping, and issuing of Exchequer Bills and Bonds, and the Forms and Methods thereof; and the distinguishing of such Bills and Bonds by "Words, Figures, Marks, Lines, or other Devices;" and for the providing and keeping of proper Machinery and Paper for the same; and for paying and accounting for Exchequer Bills and Bonds when issued.

7 Will. 4. and 1 Vict. c. 9. (s. 4.)

4. To cause the Officers of the Mint to provide and keep up due Supplies of Coin for the Public Service; and to supply the said Officers with Monies to enable them from Time to Time to purchase Bullion to the Amount requisite for that Purpose.

The Difficulty of classifying the Cases makes a special Enumeration unadvisable; for instance,

5. To superintend and direct the yearly Application and Expenditure of all Public Monies (except where otherwise expressly by Law provided),

vided), whether in Salaries to Public Servants or otherwise for the Public Service, or by way of Pension, Superannuation Allowance, or Compensation, or otherwise for the Benefit of Individuals; and upon such Conditions (if any) as have been hitherto in any Case observed or practised with respect to such Application or Expenditure.

6 & 7 Will. 4. c. 110. imposes the Duty of superintending not only the Payment of yearly Compensations to certain Libraries, but also the Application by the Libraries of the Money, when paid "in the Purchase of Works of Literature Science, and the Arts.

6. To make Orders and Regulations for the due keeping of the several Accounts of the several Departments of Revenue and the several Public Accountants with the Bank of England or any other Bank, and for the due Payment or Transfer (as the Case may be) to the Account of the Exchequer of all Public Monies collected for the Public Service or paid into the said Bank of England or any other Bank by such Departments or Accountants respectively.

7. To cause from Time to Time all Statements and Accounts by Law required of Receipt and Expenditure of Public Monies, and of the Management of the National Debt and the Funds provided for its Redemption, and, generally, all Public Accounts whatsoever, to be periodically prepared and rendered, in due Conformity with the Laws requiring the same.

Chapter of National Debt, Sections CXXIX. to CXL. and Chapter of Consolidated Fund, Sections X. to XV.

8. To determine from Time to Time the Amounts payable by way of Compensation Allowances in all Cases where the same have not been otherwise determined, and, generally, to regulate and determine all Questions concerning Salaries, Pensions, and Allowances, in due Conformity with the Laws relating thereto.

Chapter of Salaries, &c.

9. To make from Time to Time such Orders and Regulations as shall be expedient for assigning unto the Commissioners for auditing the Public Accounts, individually or collectively, (except where otherwise by Law expressly provided,) the Functions to be exercised by them in their Office, and, generally, for the due Conduct of the said Office.

45 Geo. 3. cc. 55. and 91., 46 Geo. 3. c. 141. (s. 5.), 3 & 4 Vict. c. 108. (s. 214.

10. To determine from Time to Time the Number of Clerks and other Assistants to be employed in the Offices of the several Public Departments under the Officers constituted by Law to have Charge of such Offices, and the Salaries and Allowances to be paid to such Clerks and Assistants respectively, and also the Amount of Security to be taken from any such Clerks or Assistants respectively, if the said Lords shall think fit to require the taking of the same.

48 Geo. 3. c. 1. (s. 10.), 4 & 5 Will. 4. c. 15., 5 & 6 Vict. c. 66., 11 & 12 Vict. c. 55.

11. To substitute, by Writing under their Hands and Seals, "a "Declaration to be administered in the Place of and to the same "Effect with any Oath, solemn Affirmation, or Affidavit" which may otherwise be required to be taken or made by any Person in any

5 & 6 Will. 4. c. 62. (ss. 2., 3., 4., 5., and 7.), 8 & 9 Vict. c. 97. (s. 3.),

Office under the Control, Direction, or Superintendence of the Lords of the Treasury, or in any other Department of the Public Service (except the Judicial Department), and to cause a Copy of the Instrument substituting such Declaration to be published in the London Gazette, and to be carried into effect from and after the Expiration of Twenty-one Days next following the Date of such Advertisement.

4 & 5 Will. 4. c. 15. (ss. 6., 15., and 22.), 5 & 6 Will. 4. c. 35. (s. 10.)

12. To make all such Orders and Regulations from Time to Time for the due Direction and Conduct of all Public Offices whatsoever (except where otherwise by Law expressly provided), touching the keeping and using of Books, Accounts, and Vouchers, and the Forms of the said Documents, and of all other Documents used in the said Offices; and for the Examination, Approval, Record, and Entry of Applications made to the Treasury by or for the Service of the said Public Offices in their respective Departments of Expenditure, and, generally, as to the said Lords shall seem most expedient, for "the Safety, Economy, and Advantage" of the several Branches of the Public Service; and from Time to Time, at their Discretion, by other Rules or Regulations, to vary or revoke the same.

Ibid. ibid.

13. And to certify whatsoever Orders and Regulations (not relating to the Substitution of Declarations for Oaths) they shall from Time to Time have made in any of the Premises, immediately when made, to such of the said Public Departments or Offices as they shall happen to concern, and also to the said Bank of England or any other Bank, if the same shall happen to concern any such Bank, for their respective Direction and Government.

56 Geo. 3. c. 98. (ss. 4. to 8. and 10. to 25.), as qualified by 3 Geo. 4. c. 56. (ss. 1., 2., 3., and 6.), and by 6 & 7 Will. 4. c. 83.

IV. The said Lords are empowered from Time to Time to make such Orders, Rules, and Regulations in regard to the Receipt and Issue of Public Monies into and from the Receipt of Her Majesty's Exchequer in Ireland, and the Execution of the Offices of the said Exchequer there, and for reducing or consolidating the said Offices or the Salaries thereof, and for making reasonable Compensation in that Behalf to the Persons holding such Offices, and the Custody of Books, Deeds, Records, and Papers of or belonging to the said Receipt of Exchequer, as to them shall seem meet; but all such Orders, Rules, or Regulations, and a Statement of the comparative Amounts of such Salaries, and also of the Amounts allowed in Compensation, shall be laid before both Houses of Parliament, either within Six Weeks after the Issue of the same, if Parliament shall be then sitting, or, if not sitting, within Six Weeks next immediately after the re-assembling of Parliament.

V. Where

V. Where Money hath been granted to Her Majesty by Act of Parliament or Vote of the House of Commons for some specific Branch of the Public Service, with Ways and Means for satisfying the same, but hath not been charged upon the Consolidated Fund or other Fund specially appropriated by Act of Parliament to some particular Branch of the Public Service, it shall be lawful for the Lords of the Treasury only to authorize and direct the Issue and Application thereof after having obtained and recorded, and entered in the Books of the Treasury, and transmitted to the Comptroller General of the Exchequer, Her Majesty's Royal Order to that Effect under the Royal Sign Manual, countersigned by the said Lords of the Treasury, and directed to the Comptroller General of the Exchequer, and which Royal Order shall specify the particular Act of Parliament or Vote whereby the said Money was granted, and shall authorize and require the said Comptroller to place at the Bank of England, to the Credit of the respective Public Accountants to the Crown in the respective Branches of Public Service, the Amounts of the said Sums respectively at such Times and in such Proportions as the said Lords of the Treasury shall afterwards direct; but no Royal Order shall be necessary to give Validity to any such Authority or Direction of the said Lords of the Treasury with reference to the Issue or Application of any Sums of Money charged upon the Consolidated Fund, or upon any other Fund specially appropriated by Act of Parliament to any particular Branch of the Public Service.

4 & 5 Will. c. 15. (ss. 11, and 13.)

VI. Every Authority or Direction of the said Lords of the Treasury touching the Issue or Application of Public Monies by or through the Comptroller General shall be by Warrant in Writing to him directed under their Hands, and every such Warrant shall recite the Substance of the Royal Order (if any) authorizing the said Warrant, and refer to the Act of Parliament or Vote (as the Case may be) whereby the said Monies were granted or charged or appropriated as aforesaid.

4 & 5 Will. 4. c. 15. (ss. 11, 12, and 13.)

VII. Whensoever the Salary or Emoluments of any public Servant whatever shall be taken away or diminished by any Law hereafter to be made, whereby Compensation shall be authorized to be paid to such public Servant out of the Consolidated Fund for his Losses in respect thereof, and such public Servant shall make his Claim to the Lords of the Treasury for such Compensation accordingly, it shall be the Duty of the said Lords to inquire, by Examination upon Oath or otherwise, whether any and what Compensation ought to be paid to such Claimant, and according to what Average of Years such Compensation ought to be computed; and in such Inquiry the said Lords shall pay due Regard to the Nature of the Office in respect whereof such Salary or Emoluments was or were payable, and to the Tenure thereof, and to

This Clause is new, so far as it is general, but it is the Substance of the Provisions for the abolished Chancery Offices under the 15 & 16 Vict. c. 87. (ss. 44. and 45.), 6 & 7 Will. 4. c. 19. (ss. 5, and 6.) and c. 87. (ss. 17, 18, and 19.), 7 Will. 4. and 1 Vict. c. 30. (ss. 25, 26, and 27.), 5 & 6 Vict. c. 22. (s. 4.)

any Conditions or Notice upon or under which such Claimant was appointed to such Office, and to the Propriety of such Conditions or Notice, and also to the Fact of any other Office or Place of Emolument being held by the said Claimant, and what Compensation (if any) the said Lords shall in any such Case find proper to be paid they shall by Warrant under their Hands award and order to be paid accordingly; and they shall, within Fourteen Days after the Date of every such Order if Parliament shall be then assembled, or otherwise within Fourteen Days after the Meeting of Parliament then next following, cause to be laid on the Table of the House of Commons an Account of the Compensation so awarded.

4 & 5 Will. 4. c. 15. (s. 18.)

VIII. The said Lords shall, "from Time to Time as they may think proper," transmit to the Bank of England, and also to the Comptroller General of the Exchequer, a List of the several Persons who are required by virtue of Office or otherwise to keep Public Accounts at the said Bank, which List shall specify the Names of such Persons, and the Offices actually held by them respectively.

4 & 5 Will. 4. c. 15. (s. 16.)

IX. All Records or Books of Record in the said Treasury shall be in all Courts whatever "Evidence of the Entries therein respectively "contained, and of the Debts therein respectively charged" against Public Accountants.

4 & 5 Will. 4. c. 15. (ss. 1. 2. and 33.), 5 & 6 Vict. c. 66. (ss. 1. & 2.)

X. The Establishment of the Exchequer at Westminster shall consist of the following Officers; that is to say, One Comptroller General, to be appointed by Her Majesty by Letters Patent under the Great Seal of the United Kingdom, to be designated Comptroller General of the Receipt and Issue of Her Majesty's Exchequer, to hold his Office during good Behaviour, and to be removeable at any Time therefrom by Her Majesty, upon the Address of the Two Houses of Parliament, or upon the Abolition or Regulation of his said Office by Authority of Parliament, and One Assistant Comptroller General and One Chief Clerk, with such Number of Clerks and Assistants as the said Lords shall determine, and to be respectively appointed and removeable at the Pleasure and under the Warrant of the Lords of Her Majesty's Treasury.

5 & 6 Vict. c. 66. (s. 4.) The Words in Brackets are new, so far as they apply generally to all the Duties of the Office; and if the Provision is to be restricted, as now, to the signing of Exchequer Bills, they must be struck out.

XI. All Appointments to or Removals from the said Offices of Comptroller and Assistant Comptroller respectively shall be notified by Advertisement in the London Gazette [and it shall not be lawful for any Person appointed to either of such Offices to execute the same until his Appointment thereto shall have so been notified].

4 & 5 Will. 4. c. 15. (s. 3.) 5 & 6 Vict. c. 66. (s. 1.)

XII. The said Comptroller and Assistant Comptroller shall be respectively incapable, whilst they respectively hold these said Offices, to

to hold any other Office under the Crown, or under any Officer appointed by the Crown.

XIII. All the said Officers shall execute the Duties of their respective Offices in Person, save that the Duties of the Office of the said Comptroller shall, on every Occasion of his unavoidable or necessary Absence from the same, or during any Period not exceeding One Month next after the said Office of Comptroller shall have become vacant, be executed by and in the Name of the said Assistant Comptroller, who shall for that Purpose have and exercise all the Powers and Authorities which to the said Office of Comptroller belong or are incident.

4 & 5 Will. 4. c. 15. (s. 2.) 5 & 6 Vict. c. 66. (ss. 4. and 5.)

XIV. The Days and Hours on and during which throughout the Year the said public Business shall be transacted at the said Exchequer, and the said Officers shall attend thereat, shall be regulated and determined according to the Practice of Her Majesty's Treasury in that Behalf.

4 & 5 Will. 4. c. 15. (s. 5.)

XV. It shall be the Duty of the said Comptroller to perform and execute, or to order, direct, and superintend from Time to Time the Performance and Execution of, all such Acts, Matters, and Things as ought for the Time being to be performed or executed by any of the Officers of the said Exchequer, but subject to any Orders and Regulations which may be made by the Commissioners of Her Majesty's Treasury, and which he shall have satisfied himself to be duly authorized by Law.

4 & 5 Will. 4. c. 15. (ss. 4., 6., 11., 12., and 13.)

XVI. It shall be his Duty to keep all necessary or proper Books of his Proceedings in his said Office, which said Books shall be deemed Books of Record, and he shall also take into his Custody and have Charge of all other Records, Deeds, Papers, Documents, and Vouchers whatsoever relating to the Receipt of the Exchequer (and not belonging to any other Office or Department), all the Standard Weights and Measures and Standard Pieces of Gold, Silver, and Copper, and all other Articles of public Property in the Office of the said Exchequer; and it shall be the duty of the said Assistant Comptroller, Chief Clerk, Clerks and Assistants to receive the Directions and Commands of the said Comptroller in the Premises, and to perform and execute the same.

4 & 5 Will. 4. c. 15. (ss. 7. and 16.)

XVII. The said Comptroller is required to receive and enter upon Record in his said Office, and safely to keep, all Royal Orders and Treasury Warrants which he shall receive from the Lords of the Treasury (if such Orders or Warrants are "duly authorized by Law," but not otherwise), authorizing or requiring him to place or transfer any Sums at

4 & 5 Will. 4. c. 15. (ss. 11., 12., and 13.)

the Bank of England to the Credit of any Public Accountants, and in pursuance of such Treasury Warrants from Time to Time, by Warrant under his own Hand, directed to the Governor and Company of the Bank of England, authorize and direct the said Bank to grant such Credits accordingly.

4 & 5 Will. 4. c. 15. (s. 16.)

XVIII. All Books and Records in his said Office shall be in all Courts whatever Evidence of the Entries therein respectively contained, and of the Debts therein respectively charged against Public Accountants.

56 Geo. 3. c. 98. (s. 24.) I am not aware that there is any Occasion for this Section. If there be, it will be easy to specify the Charities in question in a Schedule to the Bill. This unimportant Section is introduced merely to make it unnecessary to retain any Portion of the 56 Geo. 3. on the Statute Book.

XIX. The Chancellor of the Exchequer is by virtue of his Office Governor, Visitor, Member, and constituent Part of the several Colleges, Corporations, and Charitable or Public Societies and Institutions in Ireland which are enumerated in Schedule to this Chapter annexed.

I have carefully followed the Classification of Duties as ascertained by the 4 & 5 Will. 4. c. 15. (ss. 15., 16., and 17.), 5 & 6 Will. 4. c. 35., and 11 & 12 Vict. c. 55.; and more particularly set forth in the Treasury Minute of Regulations (22d Dec. 1848, p. 3. s. 3.) issued under the Authority of the last Act.

XX. For the Payment of all Army Services, voted on the Army and Militia Estimates, which are under the Control of the Secretary of War and the Commissioners of Chelsea Hospital respectively, all Commissariat Services voted on the Commissariat Estimate, and which are under the Control of the Lords of the Treasury, all such Naval Services, Votes on the Navy Estimates and Naval Prize Services as are under the Control of the Lords of the Admiralty, all Ordnance Services voted on the Ordnance Estimates, and under the Control of the Board of Ordnance, all the Services called "Commissariat Chest Services," and all Civil Services voted on the several miscellaneous Estimates or charged on the Consolidated Fund, and for the Payment of Principal and Interest of all Exchequer Bills and Bonds, and generally for the Payment of all Salaries, Allowances, Incidents, and Charges now or hereafter payable under Authority of Law, in detail, out of the Exchequer, (except such Payments as the Lords of the Treasury may have directed to be made in Ireland by the Paymaster of Civil Services in Ireland), there shall be appointed, by Warrant under the Royal Sign Manual, countersigned by he Lords of the Treasury, an Officer, to be styled "Her Majesty's Paymaster General," whose Duty it shall be to make all such Payments, and who shall have and exercise all requisite and proper Powers and Authorities for that Purpose, subject nevertheless to such Control therein or such other Regulations as the said Lords of the Treasury shall from Time to Time appoint and establish for the Government of himself and his Assistants.

XXI. The

XXI. The said Paymaster General shall keep or cause to be kept at the Bank of England an Account of all his Payments, and another Account of such Payments shall be kept by him in his own Office, and such Accounts respectively shall be deemed Public Accounts, and also Public Records of the said Bank and of the said Paymaster General's Office respectively; and all other Papers and Documents relating to such Payments, or to the Acts of the said Paymaster General in the Discharge of the Duties of his said Office, shall be delivered into and remain in the Custody and Power of the said Lords of the Treasury, and shall be deemed Records of the said Treasury. Ibid. Ibid.

XXII. The Paymaster General shall hold his Office during the Pleasure of the Crown, and the Establishment of his said Office shall consist of such Number of Assistants and Clerks as the Lords of the Treasury shall from Time to Time determine; and the respective Amounts of his Salary and of the Salaries of his said Assistants, and their Tenure of Office, shall be from Time to Time regulated by the said Lords in like Manner. Ibid. Ibid.

XXIII. Every Person paying or causing to be paid into the Bank of England Money to the Account of the Exchequer shall prepare, sign, and procure to be countersigned by the Comptroller of the Exchequer, and shall at the Time of such Payment deliver or cause to be delivered (being so signed and countersigned) to the Person receiving such Money, a Specification of the Particulars and Amount thereof, to be entered in a Book to be kept at the Bank for that Purpose, and after entering such Specification the Person receiving the same shall make and sign a Memorandum of such Entry upon each Duplicate, and shall then deliver back One Duplicate to the Person making such Payment, to be by him deposited with the Comptroller of the Exchequer, in exchange for his Acquittance, signed by the said Comptroller, for his said Payment, and also shall, at the Close of the same Day, transmit to the said Comptroller the other Duplicate, together with a Statement of the particular Sums paid into the Bank on that Day, and also shall, at the Close of the same Day, transmit a certified Copy of such Statement to the Lords of the Treasury. 4 & 5 Will. 4. c. 15. (ss. 8. & 9.)

XXIV. Whensoever any Public Accountant shall die or resign, or be removed from the Office in respect whereof he is such Accountant, the Balance (if any) of his Credits on the "Exchequer Funds," and also the Balance (if any) of Cash on his Public Accounts in the Books of the Bank of England and Ireland respectively, shall not in any way remain disposable by such Accountant or his Creditors, or his or their Representatives, but shall, unless where otherwise specially by Law provided, respectively devolve upon and vest in and be transferred to the Account of his Successor in such Office, immediately on the Appointment of such Successor. 4 & 5 Will. 4. c. 15. (s. 18.)

XXV. Subject to the Order and Control of the Lords of the Treasury, it shall be the Duty of the Commissioners for auditing Public Accounts in Great Britain and Ireland respectively to appoint and notify by public Advertisement in the London Gazette or Dublin Gazette (as the Case may be) in Three succeeding Publications, and in any other Manner which the said Commissioners respectively shall think fit, the Nature and Forms of all Documents and Proofs requisite to be 56 Geo. 3. c. 93. (s. 28.

produced before them respectively by Public Accountants under their respective Departments, for the Audit and Allowance of their respective Accounts; and the said Commissioners respectively shall not afterwards vary or revoke the same until the Expiration of Three Months after the Date of the last of the said Notifications by public Advertisement or in such other Manner as aforesaid.

56 Geo. 3. c. 98. (s. 27.), 1 & 2 Will. 4. c. 26. (s. 2.) and c. 52.

XXVI. The Commissioners for auditing Public Accounts, whether in Great Britain or in Ireland, shall grant to any Public Accountant whose Account they shall have audited and certified, and whom they shall have found to be even and quit with the Public on such Account, a Quietus in respect thereof under their respective Hands, or under the Hands of any Three or more of them respectively, which Quietus shall be for ever afterwards a good Discharge unto such Accountant, in bar of any Process against him touching the Period of Account whereunto such Quietus shall relate.

XXVII. From and after the passing of this Act, the Acts and Parts of Acts hereinafter enumerated shall be, and the same are hereby repealed, except as to Things done or suffered, Rights actually vested, or Liabilities actually incurred at or before the passing of this Act; (that is to say,)

See the 13 & 14 Vict. c. 21. (s. 3.) for the Mode of Reference to Acts differently numbered in the several authorized Editions.

12 Edw. 1. Stat. Rothlan.

6 Ann. c. 41. (s. 26.)

35 Geo. 3. (I.) cc. 18. and 28.

45 Geo. 3. c. 55. and 91.

46 Geo. 3. c. 141. (s. 5.)

48 Geo. 3. c. 1. (ss. 2., 4., 10., and 11.)

56 Geo. 3. c. 98. (ss. 2., 4. to 8., 10. to 23., 25., 27., and 28.)

57 Geo. 3. c. 34. (s. 53.)

3 Geo. 4. c. 56.

1 & 2 Will. 4. c. 26. (s. 2.) and 52.

4 & 5 Will. 4. c. 15. (ss. 1. to 9., 11. to 18., 22., 26. and 33.)

5 & 6 Will. 4. cc. 35. and 62. (ss. 2. to 5. and 7.)

6 & 7 Will. 4. cc. 19. (ss. 4., 5. and 6.), 83., 87. (ss. 17., 18., and 19.), and 110.

7 Will. 4. & 1 Vict. cc. 9. (s. 4.) and 30. (ss. 25, 26., and 27.)

The Two following Acts or Parts of Acts of the Parliaments of England and Great Britain respectively, according to the Copies thereof respectively contained in the Collection of Statutes of the Realm, printed by Order of King George the Third upon an Address of the House of Commons, namely, the Act passed in the Session of the Parliament of England, in the Twelfth Year of King Edward the First, called "Provisions made in the Exchequer," otherwise "The Statute of Rothlan," and the Act passed in the Parliament of Great Britain, in the Sixth Year of Queen Anne, Chapter Forty-one, Section Twenty-six; and also the Acts passed in the Session of the Parliament of Ireland holden in the Thirty-fifth Year of King George the Third, Chapters Eighteen and Twenty-eight; and also the Acts passed in the Sessions of the Parliament of Great Britain and Ireland in the Forty-fifth Year of King George the Third, Chapters Fifty-five and Ninety-one; in the Forty-sixth Year of King George the Third, Chapter One hundred and forty-one, Section Five; in the Forty-eighth Year of King George the Third, Chapter One, Sections Two, Four, Ten, and Eleven; in the Fifty-sixth Year of King George the Third, Chapter Ninety-eight, Sections Two, Four, Five, Six, Seven, Eight, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-five, Twenty-seven, and Twenty-eight; in the Fifty-seventh Year of King George the Third, Chapter Thirty-four, Section Fifty-three; in the Third Year of King George the Fourth, Chapter Fifty-six; in the First and Second Years of King William the Fourth, Chapter Twenty-six, Section Two, and Chapter Fifty-two; in the Fourth and Fifth Years of King William the Fourth, Chapter Fifteen, Sections One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty-two, Twenty-six, and Thirty-three; in the Fifth and Sixth Years of King William the Fourth, Chapter Thirty-five, and Chapter Sixty-two, Sections Two, Three, Four, Five, and Seven; in the Sixth and Seventh Years of King William the Fourth, Chapter Nineteen, Sections Four, Five, and Six, Chapter Eighty-three, and Chapter Eighty-seven, Sections Seventeen, Eighteen, and Nineteen, and Chapter One hundred and ten; in the Seventh Year of King William the Fourth and the First Year of Her present Majesty, Chapter Nine, Section Four, Chapter Thirty, Sections Twenty-five, Twenty-six, and Twenty-seven;

seven ; in the Third and Fourth Years of Her said Majesty, Chapter One hundred and eight, Section Two hundred and fourteen ; in the Fifth and Sixth Years of Her said Majesty, Chapter Twenty-two, Sections One, Two, and Four, and Chapter Sixty-six, Sections One, Two, Four, Five, and Seven ; in the Eighth and Ninth Years of Her said Majesty, Chapter Ninety-seven, Section Three ; in the Eleventh and Twelfth Years of Her said Majesty, Chapter Fifty-five ; in the Twelfth and Thirteenth Years of Her said Majesty, Chapter Eighty-nine ; in the Fifteenth and Sixteenth Years of Her said Majesty, Chapter Eighty-seven, Sections Forty-four, and Forty-five ; in the Sixteenth and Seventeenth Years of Her said Majesty, Chapter Twenty-three, Sections Thirty-seven, Thirty-eight, Thirty-nine, and Forty-one, and Chapter One hundred and thirty-two, Sections Nine, Ten, and Eleven.

3 & 4 Vict. c. 108. (s. 214.)

5 & 6 Vict. cc. 22. (ss. 1., 2., and 4.) and 66. (ss. 1., 2., 4., 5., and 7.)

8 & 9 Vict. c. 97. (s. 3.)

11 & 12 Vict. c. 55.

12 & 13 Vict. c. 89.

15 & 16 Vict. c. 87. (ss. 44. and 45.)

16 & 17 Vict. cc. 23. (ss. 37. to 39. and 41.) and 132. (ss. 9. to 11.)

SCHEDULE ( ) in the foregoing Act referred to.

This Schedule is probably not required. See the side note to Section XIX.

DRAFT

OF A

BILL

TO

Consolidate several Enactments relating to Public Salaries, Annuities, Pensions, and Allowances.

[Note.—The Words printed in *Italics* denote Matter of a transitory or temporary Nature, and the Words printed in small Type denote Matter to be hereafter displaced.]

WHEREAS it will very greatly facilitate the Consolidation of the Statutes now in progress if the Enactments relating to Public Salaries, Annuities, Pensions, and Allowances are from Time to Time reduced into One or more Act or Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same in Manner following; (that is to say,)

I. *a.* Her Majesty is empowered to grant unto the Lord Lieutenant of Ireland for the Time being the annual Salary of Twenty thousand Pounds, and to charge the same upon the Consolidated Fund. 2 & 3 Will. 4. c. 116. (s. 3.)

* * * *

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II. *a.* Her Majesty is empowered to grant the miscellaneous Salaries and Allowances following, and to charge the same upon the Consoli-

dated Fund, and will cause an annual Return of all such Salaries and Allowances so granted and charged to be laid before Parliament: To every Inspector of Anatomy a yearly Salary not exceeding One hundred Pounds, and also a yearly Allowance of so much Money "as may appear reasonable" for the Expenses of his Office."

2 & 3 Will. 4. c. 75. (s. 6.)

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I. *b.* The Lords of the Treasury are empowered to charge upon the Consolidated Fund and to direct Payment of the Salaries and Allowances following; (that is to say,) the yearly Salaries (not exceeding One thousand five hundred Pounds apiece) of the Copyhold and Inclosure Commissioners for England and Wales, and the Allowances to be paid to the Assistant Commissioners acting under the said Commissioners, and from Time to Time to regulate the Rate of such Allowances, but not to raise the same above the Rate for each Assistant Commissioner of Three Pounds Three Shillings for every Day of actual Employment or travelling in the Execution of the Duties of his Office, and also the Salaries of the Clerks, Messengers, and Officers belonging to the Establishment of the said Commissioners.

6 & 7 Will. 4. c. 71. (ss. 7. and 8.), 4 & 5 Vict. c. 35. (ss. 7. and 8.), 8 & 9 Vict. c. 118., (ss. 6. and 7.), 14 & 15 Vict. c. 53. (ss. 1. to 6.)

Also the yearly Salary (not exceeding One thousand Pounds) of the Registrar General of Births, Deaths, and Marriages, and all Salaries of Officers, Clerks, and Servants, and all Allowances for other the Expenses of the General Register Office.

6 & 7 Will. 4. c. 86. (ss. 3. and 4.)

And also all Salaries of Officers, Clerks, and Servants, and all Allowances for defraying other necessary Charges and Expenses in or about the due Execution of any Parliamentary Powers for the Relief of Distress, the Promotion of Public Works, or any other Public Object.

2 & 3 Will. 4. c. 125. (ss. 7. and 13.)
This Clause is new, so far as it is general and permanent, but it is the Substance of the common Clauses in all West India Relief and Public Works Acts, such as the Act cited, which is still in force.

II. *b.* The yearly Salaries and Expenses of the Establishment of the Commissioners for the Reduction of the National Debt, and all Expenses yearly incurred by them in the Execution of their said Office, are charged upon the Consolidated Fund, and shall be thereout defrayed from Time to Time by Direction of the Lords of the Treasury.

4 Geo. 4. c. 19. (ss. 12. and 13.)

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* * * *

I. Warrants of the Lords of the Treasury for the Payment of Salaries, Annuities, or Pensions charged upon the Consolidated Fund are not determined by or revoked upon any Demise of the Crown, or any Determination or Cessation of the Power or Office of such Lords.

These Four Sections contain the Substance of the common Clauses in the General Act for Civil Service Pensions (57 Geo. 3. c. 65.), and in nearly all the Special Acts creating particular Charges; if it be thought expedient to extend the Provisions of the First Section to *all* Treasury Warrants, it will be necessary to transfer that Section so amended to its proper Place in the Public Offices' Bill.

II. Where any Pension charged upon the Consolidated Fund hath been or shall be granted to any Person or Persons, the same shall be payable to the Grantees thereof by even quarterly Payments, without Fee, Reward, or Charge for paying the same, and (except where otherwise expressed) clear of all Taxes, Rates, and Charges whatsoever.

III. Where any such Pension hath been or shall be made payable unto certain Grantees in succession for their natural Lives, or unto the succeeding Heirs in Tail, General or Special, of any Person, it shall not be lawful for any of such Grantees or Heirs to alien, incumber, or dispose of such Pension for any greater or larger Estate or Time than during their natural Lives respectively.

IV. In the event of any Pension, Salary, or Allowance being determined by the Resignation, Removal, or Death of the Party entitled thereto, the same shall be nevertheless so apportioned that such Party or his personal Representatives shall be entitled to a Proportion thereof, from the last Day of Payment thereof down to and including the Day of the Determination of the same.

V. Life Pensions for Civil Services may be granted by Her Majesty, and charged upon the Consolidated Fund, to Persons who have served as in the next Section is mentioned, upon their making their written Application to the Lords of the Treasury to that Effect, and containing a Statement of the Grounds on which such Application is made, and also a specific Declaration that the Amount of their Income is inadequate to maintain them in their proper Station of Life. 4 & 5 Will. 4. c. 24. (s. 6.)

VI. To Persons (not exceeding at any One Time the Number of Four) who have respectively served for not less than Two Years in all in One or more of the Offices of First Lord of the Treasury, Principal 4 & 5 Will. 4. c. 24. (s. 1.)

Secretary of State, Chancellor of the Exchequer, First Lord of the Admiralty, President of the Board of Commissioners for the Affairs of India, President of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, Life Pensions, not exceeding Two thousand Pounds per Annum for each Person, may be granted by Her Majesty in respect of such Service.

4 & 5 Will. 4. c. 24. (s. 2.) VII. To Persons (not exceeding Two at any One Time) who have respectively served for not less than Five Years in all in either or both of the Offices of Chief Secretary for Ireland and Secretary-at-War, Life Pensions, not exceeding for each Person the Sum of One thousand four hundred Pounds per Annum, may be granted by Her Majesty in respect of such Service.

4 & 5 Will. 4. c. 24. (s. 3.) VIII. To Persons (not exceeding Four at any One Time) who have respectively served for not less than Five Years in all in any One or more of the Offices of a Joint Secretary of the Treasury, First Secretary of the Admiralty, and Vice President of the Committee of Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, Life Pensions, not exceeding One thousand two hundred Pounds per Annum for each Person, may be granted by Her Majesty in respect of such Service.

4 & 5 Will. 4. c. 24. (s. 4.) IX. To Persons (not exceeding Six at any One Time) who have respectively served for not less than Ten Years in all in any One or more of the Offices of an Under Secretary of State, Clerk of the Ordnance, Second Secretary of the Admiralty, and Secretary of the Board of Commissioners for the Affairs of India, Life Pensions, not exceeding for each Person the Sum of One thousand Pounds per Annum, may be granted by Her Majesty in respect of such Service.

4 & 5 Will. 4. c. 24. (ss. 1., 2., 3., and 4.) X. The several Periods of Service mentioned in the Four last Sections may be completed, either uninterruptedly or at different Times.

4 & 5 Will. 4. c. 24. (s. 5.) XI. To any Person who shall have served in more than One Class of the Offices mentioned in Sections Seven, Eight, Nine, and Ten, and whose aggregate Period of Service shall amount to not less than Ten Years respectively, Her Majesty may grant (subject to the Conditions specified in Sections Five, Ten, and Twelve) any Life Pension annexed to the highest Class of the Offices in which he shall have served, provided that he shall have served not less than Three Years of his Period in such highest Class, or otherwise any Life Pension not exceeding One thousand Pounds a Year.

XII. No

XII. No Pension for Civil Services shall begin or continue to take effect during such Time as the Grantee thereof shall actually hold any Office qualifying him to receive a Grant of such Pension; and no Grant of any Pension for Civil Services shall be valid unless it contain a Provision making it subject to total Suspension or partial Abatement (as the Case may be) during Tenure by the Grantee thereof of any other Place, Office, or Employment under the Crown; that is to say, to total Suspension if the Salary or Profits of such Place, Office, or Employment are double the Amount of such Pension, and to Abatement of One Moiety if such Salary or Profit are of less than the Double, but not less than equal to that Amount.

57 Geo. 3. c. 65. (s. 8.) 4 & 5 Will. 4. c. 24. (s. 7.)

XIII. Her Majesty is empowered, by Letters Patent under the Great Seal of Great Britain, to grant Life Pensions (charged on the Consolidated Fund) to Persons executing or having executed the Office of Lord High Chancellor of Great Britain or Ireland, or Lord Keeper of the Great Seal of Great Britain or Ireland, but not exceeding the yearly Sum of Five thousand Pounds for any such Person executing or having executed either of the said Offices in Great Britain, or the yearly Sum of Four thousand Pounds for any such Person executing or having executed either of the said Offices in Ireland, all which Pensions respectively shall commence and take effect immediately from and after the respective Resignations of their said Offices by the said Persons, or their Removals from the same respectively, and to cease from Time to Time so often as they shall be re-appointed to and continue in the said Offices respectively; and Her Majesty is further empowered so to limit by Her said Letters Patent every Pension thereby granted, and the Duration of the same, as that the same shall not, together with the Salary and Profits of any Office, Place, or Employment whatsoever to be held under the Crown by the respective Grantees of such Pensions, exceed in the whole the yearly Sums aforesaid:—and no greater Number than Three such Pensions granted to Persons executing or having executed either of the said Offices in Ireland shall be in force or existing at the same Time.

39 Geo. 3. c. 110. (s. 6.), 2 & 3 Will. 4. c. 111. (s. 3.) 40 Geo. 3. (I.) c. 69. (s. 1.)

XIV. Her Majesty is further empowered to grant, by Her Letters Patent under the Great Seal of Great Britain, the following Life Pensions (charged on the Consolidated Fund) for Judicial Service to such Persons as, after having respectively executed the Duties of One or more of the Judicial Offices in this Section presently to be named for not less than Fifteen Years in all, or upon being respectively afflicted with some permanent Infirmity disabling them from the due Execution of their respective Offices, and distinctly recited in such Letters Patent, shall have resigned the same; that is to say, to every Chief Justice of the Court of Queen's Bench in England a Life Pension not exceeding Four thousand

39 Geo. 3. c. 110. (s. 7.), 52 Geo. 3. c. 78. (s. 3.), 53 Geo. 3. c. 153., 6 Geo. 4. c. 82. (s. 10.), c. 83. (s. 9.) and c. 84. (s. 4.), 3 & 4 Vict. c. 66. (s. 7.), 5 Vict. c. 5. (s. 36.), 14 & 15 Vict. c. 57. (s. 5.), and c. 83. (s. 20.)

Pounds per Annum; to every Master of the Rolls, Chief Justice of Common Pleas, and Chief Baron of Exchequer in England respectively a Life Pension not exceeding Four thousand Pounds per Annum; to every Lord Justice of the Court of Appeal in Chancery a Life Pension not exceeding (together with the Profits of any Office of Profit under the Crown which such Lord Justice may happen to hold) Three thousand seven hundred and fifty Pounds per Annum; to every Vice-Chancellor a Life Pension not exceeding (together with the Salary and Profits of any Office under the Crown which such Vice-Chancellor may happen to hold) Three thousand five hundred Pounds per Annum; to every Puisne Judge of the Courts of Queen's Bench and Common Pleas in England, and every Baron of the Coif of the Court of Exchequer in England, a Life Pension not exceeding Three thousand five hundred Pounds per Annum; to the Judge of the High Court of Admiralty in England, a Life Pension not exceeding (together with the Salary and Profits of any Office under the Crown which he may happen to hold) Two thousand Pounds; to the Commissioner of Appeals in Revenue Cases in Ireland, a Life Pension of Five hundred Pounds; to every Assistant Barrister for a County or Riding in Ireland, a Life Pension not exceeding Four hundred Pounds.

4 Geo. 4. c. 61. (ss. 37. to 40.)

XV. Her Majesty is further empowered to grant, by Letters Patent under the Great Seal of Ireland, unto any Master in Ordinary of the Court of Chancery in Ireland who, having actually executed for not less than Ten Years the Duties of his Office of Master, or being afflicted with any permanent Infirmity disabling him from executing his said Duties, shall resign such Office, a Life Pension not exceeding such yearly Amount in Irish Currency as is herein-after expressed; that is to say, if he shall have actually executed the said Duties during less than Twenty Years, One thousand Pounds; and if he shall have so executed the same during Twenty Years, but less than Twenty-five Years, One thousand five hundred Pounds; and if he shall have so executed such Duties during Thirty Years or upwards, Two thousand five hundred Pounds.

15 & 16 Vict. c. 54. (s. 15.)

XVI. Upon a Petition being presented to the Lord Chancellor of Great Britain by any Judge of a County Court in England who shall happen to be "afflicted with some permanent Infirmity disabling him from the due Execution of his Office," and shall by such his Petition pray Leave to resign his said Office upon a retiring Pension, the Lord Chancellor is empowered to recommend the Lords of the Treasury to grant unto such Judge, upon such Resignation, a Life Pension not exceeding Two Thirds of his yearly Salary at the Time of presenting his Petition; and upon such Recommendation the said Lords are empowered to grant to the said Judge such Pension accordingly, to be charged upon the

the Consolidated Fund, and to be payable quarterly, and net and free from all Taxes and Charges, except the Property and Income Tax.

XVII. Her Majesty is empowered to grant unto "Her Majesty's Diplomatic Servants employed at Foreign Courts" who, after the Expiration of at least Fifteen Years from the respective Dates of their First Diplomatic Commissions, and after Ten Years actual Diplomatic Service, and such Periods of actual Residence as in the next Section is mentioned, shall have ceased to serve Her Majesty as Diplomatic Servants at Foreign Courts, the Life Pensions specified in the next Section in respect of such their Service, subject to Forfeiture in case of Refusal of the Grantees thereof respectively to proceed to any Diplomatic Mission of Rank equal with or higher than the Missions in respect whereof such Pensions may have been granted, and subject also to Suspensions, or to Abatement, pro tanto, (as the Case may be,) in the event of the Grantees thereof respectively being appointed to any Office or Place of Profit under the Crown, so as to prevent such Grantees respectively from receiving more than the Amount specified in their said respective Grants; and until such Pensions shall be so deserved and obtained by such Servants, Her Majesty is further empowered to appoint and pay unto them their respective Salaries and Allowances for their said Service; and all such Salaries, Allowances, and Pensions shall be paid quarterly and net, free and clear of Taxes, Rates, and Charges whatsoever respectively; and, for defraying the said Salaries, Allowances, and Pensions respectively, Her Majesty is further empowered to charge the Consolidated Fund with any yearly Sum not exceeding One hundred and eighty thousand Pounds in any One Year; and of the Application thereof an Account shall, on or before the Twenty-fifth Day of March in every Year, be laid before Parliament.

2 & 3 Will. 4. c. 116. (ss. 4, 5, 6, 7, 8, and 12.)

The Act does not prescribe by what Department this Account is to be prepared and laid upon the Table.

XVIII. Diplomatic Life Pensions are of Four Classes, and may be granted under the Conditions following; (that is to say,) those of the First Class may be granted to such Persons respectively as shall have actually resided as Ambassadors at some Foreign Court for not less than Three Years, but no such Pension shall exceed the yearly Sum of One thousand seven hundred Pounds; those of the Second Class may be granted to such Persons respectively as shall have actually resided as Envoys Extraordinary and Ministers Plenipotentiary at some Foreign Court for not less than Five Years, but no such Pension shall exceed the yearly Sum of One thousand three hundred Pounds; those of the Third Class may be granted to such Persons as shall have actually resided as Ministers Plenipotentiary, or Ministers resident for not less than Five Years, but no such Pension shall exceed the yearly

2 & 3 Will. 4. c. 116. (s. 6.)

The Words within Brackets [ ] appear to have been unintentionally omitted in the Sixth Section of the Act.

Sum of Nine hundred Pounds; and those of the Fourth Class may be granted to such Persons as shall have actually resided [in any other Diplomatic Capacity] at some Foreign Court for not less than Five Years, but no such Pension shall exceed the yearly Sum of Seven hundred Pounds.

6 Geo. 4. c. 88. (s. 3.)

XIX. Her Majesty is also empowered to charge upon the Consolidated Fund, and to grant unto any Person who for at least Ten Years, or until he is disabled by some permanent Infirmity from the due Execution of his Office, shall have continued in the Office of Bishop of the Diocese of Jamaica, or of the Diocese of Barbados and the Leeward Islands, a Life Pension not exceeding the yearly Sum of One thousand Pounds, in consideration of his having executed the Duties of such Office, and of his having resigned it for such Cause as aforesaid, and to commence immediately from and after such his Resignation.

XX. From and after the passing of this Act the following Acts and Parts of Acts of the Parliaments of Great Britain, of Ireland, and of Great Britain and Ireland respectively, shall be and the same are hereby repealed, except as to Things done, or suffered Rights actually vested, or Liabilities actually incurred at or before the passing of this Act; (that is to say,) An Act passed in the Sessions of Parliament of Great Britain, in the Thirty-ninth Year of King George the Third, Chapter One hundred and ten; an Act passed in the Sessions of the Parliament of Ireland in the Fortieth Year of King George the Third, Chapter Sixty-nine; the Acts and Parts of Acts passed in the Parliament of Great Britain and Ireland, in the Fifty-second Year of King George the Third, Chapter Seventy-eight, Section Three; in the Fifty-third Year of King George the Third, Chapter One hundred and fifty-three; in the Fifty-seventh Year of King George the Third, Chapter Sixty-five; in the Fourth Year of King George the Fourth, Chapter Nineteen, Sections Twelve and Thirteen, and Chapter Sixty-one, Sections Thirty-seven, Thirty-eight, Thirty-nine, and Forty; in the Sixth Year of King George the Fourth, Chapter Eighty-two, Section Ten, Chapter Eighty-three, Section Nine, Chapter Eighty-four, Section Four, and Chapter Eighty-eight, Section Three; in the Second and Third Years of King William the Fourth, Chapter Seventy-five, Section Six, Chapter One hundred and eleven, Section Three, One hundred and sixteen, Sections Three, Four, Five, Six, Seven, Eight, and Twelve, and Chapter One hundred and twenty-five, Sections Seven and Thirteen; in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, Sections One, Two, Three, Four, Five, Six, and Seven; in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-one, Sections Seven and Eight, and Chapter Eighty-six, Sections Three and Four; in the Third and Fourth Years of Her present Majesty, Chapter Sixty-six, Section Seven; in the Fourth and Fifth Years of Her said Majesty, Chapter Thirty-five, Sections Seven and Eight; in the Fifth Year of Her said Majesty, Chapter Five, Section Thirty-six; in the Eighth and Ninth Years of Her said Majesty, Chapter One hundred and eighteen, Sections Six and Seven; in the Fourteenth and Fifteenth Years of Her said Majesty, Chapter Fifty-three, Sections One, Two, Three, Four, Five, and Six, Chapter Fifty-seven, Section Five, and Chapter Eighty-three, Section Twenty, and in the Fifteenth and Sixteenth Years of Her said Majesty, Chapter Fifty-four, Section Fifteen.

39 Geo. 3. c. 110.

40 Geo. 3. (I.) c. 69.

52 Geo. 3. c. 78. (s. 3.)

53 Geo. 3. c. 153.

57 Geo. 3. c. 65.

4 Geo. 4. cc. 19. (ss. 12. and 13.) and 61. (ss. 37. to 40.)

6 Geo. 4. cc. 82. (s. 10.), 83. (s. 9.), 84. (s. 4.), and 88. (s. 3.)

2 & 3 Will. 4. cc. 75. (s. 6.), 111. (s. 3.), 116. (ss. 3. to 8. and 12.), and 125. (ss. 7. and 13.)

4 & 5 Will. 4. c. 24. (ss. 1. to 7.)

6 & 7 Will. 4. cc. 81. (ss. 7. and 8.) and 86. (ss. 3. and 4.)

3 & 4 Vict. c. 66. (s. 7.)

4 & 5 Vict. c. 35. (ss. 7. and 8.)

5 Vict. c. 5. (s. 36.)

8 & 9 Vict. c. 118. (ss. 6. and 7.)

14 & 15 Vict. cc. 53. (ss. 1. to 6.), 57. (s. 5.), and 83. (s. 20.)

15 & 16 Vict. c. 54. (s. 15.)

DRAFT

OF A

BILL

TO

Repeal certain Enactments.

WHEREAS all the subsisting Provisions of the Enactments herein-after mentioned have been consolidated into Acts passed in the present Session of Parliament, and it is desirable that the said Enactments should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; that is to say:

I. The Acts and Parts of Acts next herein-after mentioned shall be repealed from the Time of the passing of this Act, except as to Things done or suffered to be done, Rights actually vested, or Liabilities actually incurred before the passing of this Act, and the said Acts and Parts of Acts are hereby repealed accordingly; that is to say, the Acts and Parts of Acts of the Parliaments of England and Great Britain respectively next herein-after referred to, according to the Copies thereof contained in the Collection of the Statutes of the Realm printed by Order of His late Majesty King George the Third in pursuance of an Address of the House of Commons, to wit, the Acts and Parts of Acts passed in the Sessions of the Parliament of England holden in the Twelfth Year of King Edward the First, called "Provisions made in the Exchequer," otherwise

The 13 & 14 Vict. c. 21. (s. 3.) requires all references to Statutes to be according to the usual Copies, "or to the Copies thereof contained in the Reports of the Commissioners of Public Records," which end with the Reign of Queen Anne; and which, always accurate, are referred to in this Section instead of the ordinary Copies of the same Period.

12 E. 1. Stat. of Rothlan.

4 Will. and Mary, cc. 3. and 5.
5 & 6 Will. and Mary cc. 5., 7., and 14., and c. 20. (ss. 1. to 18., 20. to 24., 29. and 33. to 48.)
6 & 7 Will. and Mary cc. 1., 3., 5. and 7.
7 & 8 Will. 3. cc. 2., 5., 10., 30., and 31.
8 & 9 Will. 3. cc. 3., 7., 20., (ss. 1. to 25., 27., 28., 29., 36., 38. to 44., 50., 51., and 52.,) 21. and 22.
9 Will. 3. cc. 5., 24., and 44.
10 Will. 3. c. 23.
11 Will. 3. c. 3.
12 & 13 Will. 3. cc. 11. and 12. (ss. 1 to 22., 24., and 25.)
13 & 14 Will. 3. c. 5.
1 Anne stat. 1. cc. 7. and 15.
1 Anne stat. 2. cc. 3. and 4.
2 & 3 Anne cc. 9. and 18.
3 & 4 Anne cc. 2., 14., and 17.
4 & 5 Anne cc. 17., 18., and 23.
6 Anne cc. 2., 5., and 27.
6 Anne (G.B.) cc. 35., 38., 39., 41., (s. 26.) 50., and 73.
7 Anne cc. 3., 30., and 31.
8 Anne cc. 3., 5., 10., 12., and 14.
9 Anne cc. 6., 7., (ss. 1. to 14.) 12., 13., 15., and 16.
10 Anne cc. 7., 18., and 19.
12 Anne cc. 1. and 2.
13 Anne cc. 2., 18., 22., and 24.

See the 13 & 14 Vict. c. 21. (s. 3.) and the Note at the beginning of this Section. From the Accession of George the First, the numbering of the Chapters and Sections of Statutes is the same in all the

otherwise "The Statute of Rothlan"; in the Fourth and Fifth Years of King William the Third and Queen Mary, Chapters Three and Five; in the Fifth and Sixth Years of King William the Third and Queen Mary, Chapters Five, Seven, and Fourteen, and Chapter Twenty, Sections One to Eighteen both inclusive, Sections Twenty to Twenty-four both inclusive, Section Twenty-nine, and Sections Thirty-three to Forty-eight both inclusive; in the Sixth and Seventh Years of King William the Third and Queen Mary, Chapters One, Three, Five, and Seven; in the Seventh and Eighth Years of King William the Third, Chapters Two, Five, Ten, Thirty, and Thirty-one; in the Eighth and Ninth Years of King William the Third, Chapters Three and Seven, Chapter Twenty, Sections One to Twenty-five both inclusive, Sections Twenty-seven, Twenty-eight, and Twenty-nine, Section Thirty-six, Sections Thirty-eight to Forty-four both inclusive, and Sections Fifty, Fifty-one, and Fifty-two, and Chapters Twenty-one, and Twenty-two; in the Ninth Year of King William the Third, Chapters Five, Twenty-four, and Forty-four; in the Tenth Year of King William the Third, Chapter Twenty-three; in the Eleventh Year of King William the Third, Chapter Three; in the Twelfth and Thirteenth Years of King William the Third, Chapter Eleven and Chapter Twelve, Sections One to Twenty-two both inclusive, and Sections Twenty-four and Twenty-five; in the Thirteenth and Fourteenth Years of King William the Third, Chapter Five; in the First Year of Queen Anne, Statute One, Chapters Seven and Fifteen, and Statute Two, Chapters Three and Four; in the Second and Third Years of Queen Anne, Chapters Nine and Eighteen; in the Third and Fourth Years of Queen Anne, Chapters Two, Fourteen, and Seventeen; in the Fourth and Fifth Years of Queen Anne, Chapters Seventeen, Eighteen, and Twenty-three; and in the Sixth Year of Queen Anne, Chapters Two, Five, and Twenty-seven; and the Acts and Parts of Acts passed in the Sessions of the Parliament of Great Britain holden in the said Sixth Year of Queen Anne, Chapters Thirty-five, Thirty-eight, and Thirty-nine, Chapter Forty-one, Section Twenty-six, and Chapters Fifty and Seventy-three; in the Seventh Year of Queen Anne, Chapters Three, Thirty, and Thirty-one; in the Eighth Year of Queen Anne, Chapters Three, Five, Ten, Twelve, and Fourteen; in the Ninth Year of Queen Anne, Chapter Six, Chapter Seven (save and except Section Fifteen), and Chapters Twelve, Thirteen, Fifteen, and Sixteen; in the Tenth Year of Queen Anne, Chapters Seven, Eighteen, and Nineteen; in the Twelfth Year of Queen Anne, Chapters One and Two; and in the Thirteenth Year of Queen Anne, Chapters Two, Eighteen, Twenty-two, and Twenty-four; and also the Acts and Parts of Acts of the Parliaments of Great Britain and of Ireland, and of the United Kingdom of Great Britain and Ireland respectively

respectively next herein-after referred to, according to the Copies of such Acts respectively printed by the Queen's Printer; that is to say, the Acts and Parts of Acts passed in the Sessions of the Parliament of Great Britain holden in the First Year of King George the First, Statute One, Chapter One, and Statute Two, Chapters Two, Twelve, Nineteen, Twenty-one, Thirty-six, and Forty-three; in the Third Year of King George the First, Chapters Four, Seven, Eight, and Nine; in the Fourth Year of King George the First, Chapters Two, Three, and Ten; in the Fifth Year of King George the First, Chapters Two, Three, Nineteen, and Twenty; in the Sixth Year of King George the First, Chapters Two, Four, Ten, and Eleven; in the Seventh Year of King George the First, Statute One, Chapters One, Two, Five, Twenty, Twenty-seven, and Twenty-eight, and the whole of Statute Two; in the Eighth Year of King George the First, Chapters Two, Twenty, Twenty-one, Twenty-two, and Twenty-three; in the Ninth Year of King George the First, Chapters Three, Five, Six, Twelve, Nineteen, and Twenty-three; in the Tenth Year of King George the First, Chapters Two, Five, and Fourteen; in the Eleventh Year of King George the First, Chapters Eight, Nine, and Seventeen; in the Twelfth Year of King George the First, Chapter Two, Four, Twelve, and Forty-two; in the Thirteenth Year of King George the First, Chapters Three, Seven, Twenty-one, and Twenty-two; in the First Year of King George the Second, Statute One, Chapters One and Two, and Statute Two, Chapters One, Eight, and Nine; in the Second Year of King George the Second, Chapters One, Three, Six, Eight, and Eighteen; in the Third Year of King George the Second, Chapters Seven, Eight, and Twenty; in the Fourth Year of King George the Second, Chapters Five and Nine; in the Fifth Year of King George the Second, Chapters Six and Seventeen; in the Sixth Year of King George the Second, Chapters Twenty-five, and Twenty-eight; in the Seventh Year of King George the Second, Chapters One, Eight, Eleven, Twelve, and Seventeen; in the Eighth Year of King George the Second, Chapters Eleven and Twelve; in the Ninth Year of King George the Second, Chapters Thirty-two and Thirty-four; in the Tenth Year of King George the Second, Chapters Eight and Seventeen; in the Eleventh Year of King George the Second, Chapter Twenty-seven; in the Twelfth Year of King George the Second, Chapter Nineteen; in the Thirteenth Year of King George the Second, Chapter Twenty-three; in the Fourteenth Year of King George the Second, Chapters Twenty-two and Forty-one; in the Fifteenth Year of King George the Second, Chapters Three, Thirteen, and Nineteen; in the Sixteenth Year of King George the Second, Chapters Twelve and Thirteen; in the Seventeenth Year of King George the Second, Chapters Seventeen, Eighteen, and Thirty-three; in the Eighteenth Year of King George the

Editions; but that is not the Case with the Statutes anterior to George the First.

1 Geo. 1. Stat. 1. c. 1. Stat. 2. cc. 9., 12., 19., 21., 36., and 43.

3 Geo. 1. cc. 4., 7., 8., and 9.

4 Geo. 1. cc. 2., 3., and 10.

5 Geo. 1. cc. 2., 3., 19., and 20.

6 Geo. 1. cc. 2., 4., 10., and 11.

7 Geo. 1. Stat. 2. cc. 1., 2., 5., 20., 27., and 28., and Stat. 2.

8 Geo. 1. cc. 2., 20., 21., 22., and 23.

9 Geo. 1. cc. 3., 5., 6., 12., 19., and 23.

10 Geo. 1. cc. 2., 5., and 14.

11 Geo. 1. cc. 8., 9., and 17.

12 Geo. 1. cc. 2., 4., 12., and 42.

13 Geo. 1. cc. 3., 7., 21., and 22.

1 Geo. 2. Stat. 1. cc. 1. and 2. Stat. 2. cc. 1., 8., and 9.

2 Geo. 2. cc. 1., 3., 6., 8., and 18.

3 Geo. 2. cc. 7., 8., and 20.

4 Geo. 2. cc. 5. and 9.

5 Geo. 2. cc. 6. and 17.

6 Geo. 2. cc. 25. and 28.

7 Geo. 2. cc. 1., 8., 11., 12., and 17.

8 Geo. 2. cc. 11. and 12.

9 Geo. 2. cc. 32. and 34.

10 Geo. 2. cc. 8. and 17.

11 Geo. 2. c. 27.

12 Geo. 2. c. 19.

13 Geo. 2. c. 23.

14 Geo. 2. cc. 22. and 41.

15 Geo. 2. cc. 3., 13., and 19.

16 Geo. 2. cc. 12. and 13.

17 Geo. 2. cc. 17., 18., and 33.

18 Geo. 2. cc. 9. and 22.

19 Geo. 2. cc. 6., 12., and 31.
20 Geo. 2. cc. 3., 5., 10., 34., 36., and 42.
21 Geo. 2. cc. 2., 10., 14., and 23.
22 Geo. 2. cc. 23. and 42.
23 Geo. 2. cc. 1., 16., 21., and 22.
24 Geo. 2. cc. 2., 4., 11., and 47.
25 Geo. 2. cc. 25. and 27.
26 Geo. 2. cc. 1., 3., 16., and 23.
27 Geo. 2. c. 10.
28 Geo. 2. cc. 15. and 22.
29 Geo. 2. cc. 7., 24., and 29.
30 Geo. 2. cc. 5., 19., 23., and 26.
31 Geo. 2. cc. 31. and 33.
32 Geo. 2. cc. 10., 22., 31., 33., and 36.
33 Geo. 2. cc. 7., 12., 18., 21., and 23.
1 Geo. 3. cc. 1., 5., 7., 18., 19., and 20.
2 Geo. 3. cc. 7., 8., 9., 10., 33., and 34.
3 Geo. 3. cc. 9., 12., 17., and 18.
4 Geo. 3. cc. 7., 13., 18., 23.. and 25.
5 Geo. 3. cc. 16., 19., 23., 41., and 42.
6 Geo. 3. cc. 15., 21., 39., and 41.
7 Geo. 3. cc. 16., 24., 25., 26., and 54.
8 Geo. 3. Stat. 1. cc. 18., 29., 30., and 31.
9 Geo. 3. cc. 15., 33., 34. and 37
10 Geo. 3. cc. 11., 36., 40., 46., and 52.
11 Geo. 3. cc. 25., 47., and 48.
12 Geo. 3. cc. 39., 53., and 63.
13 Geo. 3. cc. 64., 66., and 77.
14 Geo. 3. cc. 69., 76., 85., and 89.

the Second, Chapters Nine and Twenty-two; in the Nineteenth Year of King George the Second, Chapters Six, Twelve, and Thirty-one; in the Twentieth Year of King George the Second, Chapters Three, Five, Ten, Thirty-four, Thirty-six, and Forty-two; in the Twenty-first Year of King George the Second, Chapters Two, Ten, Fourteen, and Twenty three; in the Twenty-second Year of King George the Second, Chapters Twenty-three and Forty-two; in the Twenty-third Year of King George the Second, Chapters One, Sixteen, Twenty-one, and Twenty-two; in the Twenty-fourth Year of King George the Second, Chapters Two, Four, Eleven, and Forty-seven; in the Twenty-fifth Year of King George the Second, Chapters Twenty-five and Twenty-seven; in the Twenty-sixth Year of King George the Second, Chapters One, Three, Sixteen, and Twenty-three; in the Twenty-Seventh Year of King George the Second, Chapter Ten; in the Twenty-eighth Year of King George the Second, Chapters Fifteen and Twenty-two; in the Twenty-ninth Year of King George the Second, Chapters Seven, Twenty-four, and Twenty-nine; in the Thirtieth Year of King George the Second, Chapters Five, Nineteen, Twenty-three, and Twenty-six; in the Thirty-first Year of King George the Second, Chapters Thirty-one and Thirty-three; in the Thirty-second Year of King George the Second, Chapters Ten, Twenty-two, Thirty-one, Thirty-three, and Thirty-six; in the Thirty-third Year of King George the Second, Chapters Seven, Twelve, Eighteen, Twenty-one, and Twenty-three; in the First Year of King George the Third, Chapters One, Five, Seven, Eighteen, Nineteen, and Twenty; in the Second Year of King George the Third, Chapters Seven, Eight, Nine, Ten, Thirty-three, and Thirty-four; in the Third Year of George the Third, Chapters Nine, Twelve, Seventeen, and Eighteen; in the Fourth Year of King George the Third, Chapters Seven, Thirteen, Eighteen, Twenty-three, and Twenty-five; in the Fifth Year of King George the Third, Chapters Sixteen, Nineteen, Twenty-three, Forty-one, and Forty-two; in the Sixth Year of King George the Third, Chapters Fifteen, Twenty-one, Thirty-nine, and Forty-one; in the Seventh Year of King George the Third, Chapters Sixteen, Twenty-four, Twenty-five, Twenty-six, and Fifty-four; in the Eighth Year of King George the Third, Statute One, Chapters Eighteen, Twenty-nine, Thirty, and Thirty-one; in the Ninth Year of King George the Third, Chapters Fifteen, Thirty-three, Thirty-four, and Thirty-seven; in the Tenth Year of King George the Third, Chapters Eleven, Thirty-six, Forty, Forty-six, and Fifty-two; in the Eleventh Year of King George the Third, Chapters Twenty-five, Forty-seven, and Forty-eight; in the Twelfth Year of King George the Third, Chapters Thirty-nine, Fifty-three, and Sixty-three; in the Thirteenth Year of King George the Third, Chapters Sixty-four, Sixty-six, and Seventy-seven; in the

the Fourteenth Year of King George the Third, Chapters Sixty-nine, Seventy-six, Eighty-five, and Eighty-nine; in the Fifteenth Year of King George the Third, Chapters Thirty-eight, Forty-one, and Forty-two; in the Sixteenth Year of King George the Third, Chapters Thirty-four, Thirty-five, Forty-five, and Forty-nine; in the Seventeenth Year of King George the Third, Chapters Twenty-one, Thirty-eight, Forty-six, Forty-seven, and Fifty-one; in the Eighteenth Year of King George the Third, Chapters Twenty-two, Thirty-eight, Fifty-four, Fifty-seven, and Sixty-four; in the Nineteenth Year of King George the Third, Chapters Eighteen, Twenty-one, Sixty-three, Sixty-four, Seventy-one, and Seventy-three; in the Twentieth Year of King George the Third, Chapters Sixteen, Forty-three, Fifty-three, Fifty-seven, and Sixty-two; in the Twenty-first Year of King George the Third, Chapters Fourteen, Forty-one, Forty-two, Fifty-seven, Fifty-nine, and Sixty; in the Twenty-second Year of King George the Third, Chapters Eight, Thirty-four, Thirty-six, Forty-seven, Sixty-seven, and Seventy-six; in the Twenty-third Year of King George the Third, Chapters Twelve, Thirty-five, Seventy-two, Seventy-eight, Eighty-three, Eighty-four, and Eighty-six; in the Twenty-fourth Year of King George the Third, Statute Two, Chapters Ten, Thirty-two, Thirty-three, Thirty-four, Thirty-nine, Forty-four, and Fifty-two; in the Twenty-fifth Year of King George the Third, Chapters Eleven, Twelve, Thirty-two, Thirty-three, Fifty-nine, Sixty, Seventy-one, and Eighty-three; in the Twenty-sixth Year of King George the Third, Chapters Thirty-one, Thirty-two, Thirty-three, Thirty-four, Sixty-one, Sixty-two, Sixty-five, Seventy, and Ninety-seven; in the Twenty-seventh Year of King George the Third, Chapters Thirteen, Twenty-three, Twenty-four, Twenty-five, Thirty-three, and Forty-one; in the Twenty-eighth Year of King George the Third, Chapters Eighteen, Nineteen, Twenty-one, and Twenty-six; in the Twenty-ninth Year of King George the Third, Chapters Thirty-three, Thirty-four, Thirty-five, Thirty-seven, Forty-one, and Sixty-one; in the Thirtieth Year of King George the Third, Chapters Fifteen, Sixteen, Twenty-four, Thirty, Thirty-two, Forty-five, and Forty-six; in the Thirty-first Year of King George the Third, Chapters Eleven, Thirty-three, Forty-one, Forty-eight, Forty-nine, Fifty, and Fifty-three; in the Thirty-second Year of King George the Third, Chapters Twelve, Fifteen, Sixteen, Twenty-eight, Thirty-five, and Fifty-five; in the Thirty-third Year of King George the Third, Chapters Seventeen, Eighteen, Twenty-two, Twenty-eight, Twenty-nine, Thirty, Thirty-two, Forty-seven, Fifty-one, Sixty-two, Seventy-two, and Seventy-seven; in the Thirty-fourth Year of King George the Third, Chapters One, Twenty-one, Twenty-eight, Twenty-nine, Thirty-three, Forty, Forty-eight, Forty-nine, and Sixty-two; in the Thirty-fifth Year of King George the Third, Chapters Fourteen,

15 Geo. 3. cc. 38., 41., and 42.

16 Geo. 3. cc. 34., 35., 45., and 49.

17 Geo. 3. cc. 21., 38., 46., 47., and 51.

18 Geo. 3. cc. 22., 38., 54., 57., and 64.

19 Geo. 3. cc. 18., 21., 63., 64., 71., and 73.

20 Geo. 3. cc. 16., 43., 53., 57., and 62.

21 Geo. 3. cc. 14., 41., 42., 57., 59., and 60.

22 Geo. 3. cc. 8., 34., 36., 47., 67., and 76.

23 Geo. 3. cc. 12., 35., 72., 78. 83., 84., and 86.

24 Geo. 3. Stat. 2. cc. 10., 32., 33., 34., 39., 44., and 52.

25 Geo. 3. cc. 11., 12., 32., 33., 59., 60., 71., and 83.

26 Geo. 3. cc. 31., 32., 33., 34., 61., 62., 65., 70., and 97.

27 Geo. 3. cc. 13., 23., 24., 25., 33., and 41.

28 Geo. 3. cc. 18., 19., 21., and 26.

29 Geo. 3. cc. 33., 34., 35., 37., 41., and 61.

30 Geo. 3. cc. 15., 16., 24., 30., 32., 45., and 46.

31 Geo. 3. cc. 11., 33., 41., 48., 49., 50., and 53.

32 Geo. 3. cc. 12., 15., 16., 28., 35., and 55.

33 Geo. 3. cc. 17., 18., 22., 28., 29., 30., 32., 47., 51., 62., 72., and 77.

34 Geo. 3. cc. 1., 21., 28., 29., 33., 40., 48., 49., and 62.

35 Geo. 3. cc. 14., 21., 22., 23., 32., 36., 37., 63., 66., 93., 120., 127., and 128.

Twenty-one, Twenty-two, Twenty-three, Thirty-two, Thirty-six, Thirty-seven, Sixty-three, Sixty-six, Ninety-three, One hundred and twenty, One hundred and twenty-seven, and One hundred and twenty-eight; in the Thirty-sixth Year of King George the Third, Chapters Twelve, Twenty-nine, Thirty, Thirty-one, Seventy-four, One hundred and four, One hundred and five, One hundred and twenty-two, and One hundred and twenty-six; in the Thirty-seventh Year of King George the Third, Chapters Nine, Ten, Fifteen, Eighteen, Twenty, Twenty-six, Twenty-seven, Forty-six, Fifty-seven, Fifty-nine, Eighty-two, One hundred and thirteen, One hundred and fourteen, One hundred and fifteen, and One hundred and forty-four; in the Thirty-eighth Year of King George the Third, Chapters Eight, Twenty, Twenty-two, Thirty-seven, Forty-seven, Seventy-five Eighty-two, Eighty-three, Eighty-four, Ninety, and Ninety-one; in the Thirty-ninth Year of King George the Third, Chapters Seven, Eighteen, Thirty-three, Forty-one, Sixty, Sixty-four, Sixty-eight, Sixty-nine, Seventy, Seventy-one, Ninety-one, One hundred and ten, and One hundred and fourteen; in the Thirty-ninth and Fortieth Years of King George the Third, Chapters Four, Five, Six, Twenty-two, Twenty-six, Twenty-eight, Thirty-three, Fifty-two, Fifty-five, One hundred and two, One hundred and three, One hundred and four, and One hundred and nine; in the Forty-first Year of King George the Third, Chapter Fourteen; and the following Acts passed in the Sessions of the Parliament of Ireland holden in the Thirteenth and Fourteenth Years of King George the Third, Chapter Five; in the Fifteenth and Sixteenth Years of King George the Third, Chapters One and Two; in the Nineteenth and Twentieth Years of King George the Third, Chapters Two, Five, and Ten; in the Thirty-fifth Year of King George the Third, Chapters Eighteen and Twenty-eight; in the Thirty-seventh Year of King George the Third, Chapters Twenty-seven, Sixty-two, and Sixty-three; in the Thirty-eighth Year of King George the Third, Chapters Sixty-eight, Sixty-nine, and Seventy; in the Thirty-ninth Year of King George the Third, Chapters Seven, Sixty-four, and Sixty-five; and in the Fortieth Year of King George the Third, Chapters Thirty-four, Thirty-nine, Forty-nine, Fifty, Sixty, and Sixty-nine; and the Acts and Parts of Acts of Parliament passed in the under-mentioned Sessions of the Parliament of the United Kingdom of Great Britain and Ireland, that is to say, in the said Forty-first Year of King George the Third, Chapters Three, Four, Twenty-two, Twenty-seven, Thirty-two, Fifty-nine, Sixty-five, Eighty-one, Eighty-two, Eighty-three, and Eighty-four; in the Forty-second Year of King George the Third, Chapters Six, Eight, Nine, Seventeen, Twenty-one, Thirty-three, Forty-one, Forty-two, Fifty-four, Fifty-seven, Fifty-eight, Seventy-one, One hundred and four, One hundred and ten, One hundred and eleven, One hundred and twelve, and One hundred

36 Geo. 3. cc. 12., 29., 30., 31., 74., 104., 105., 122., and 126.

37 Geo. 3. cc. 9., 10., 15., 18., 20., 26., 27., 46., 57., 59., 82., 113., 114., 115., and 144.

38 Geo. 3. cc. 8., 20., 22., 37., 47., 75., 82., 83., 84., 90., and 91.

39 Geo. 3. cc. 7., 18., 33., 41., 60., 64., 68., 69., 70., 71., 91., 110., and 114.

39 & 40 Geo. 3. cc. 4., 5., 6., 22., 26., 28., 33., 52., 55., 102., 103., 104., and 109.

41 Geo. 3. (G.B.) c. 14.

13 & 14 Geo. 3. (I.) c. 5.

15 & 16 Geo. 3. (I.) cc. 1. and 2.

19 & 20 Geo. 3. (I.) cc. 2., 5., and 10.

35 Geo. 3. (I.) cc. 18. and 28.

37 Geo. 3. (I.) cc. 27., 62., and 63.

38 Geo. 3. (I.) cc. 68., 69., and 70.

9 Geo. 3. (I.) cc. 7., 64., and 65.

40 Geo. 3. (I.) cc. 34., 39., 49., 50., 60., and 69.

41 Geo. 3. (U.K.) cc. 3., 4., 22., 27., 32., 59., 65., 81., 82., 83., and 84.

42 Geo. 3. cc. 6., 8., 9., 17., 21., 33., 41., 42., 54., 57., 58., 71., 104., 110., 111., 112., and 120.

hundred and twenty; in the Forty-third Year of King George the Third, Chapters Five, Seven, Thirty-six, Sixty, Sixty-seven, Ninety-one, Ninety-three, One hundred and fourteen, One hundred and forty-six, One hundred and forty-seven, One hundred and forty-eight, One hundred and fifty-nine, and One hundred and sixty-two; in the Forty-fourth Year of King George the Third, Chapter Fifteen, Thirty-one, Forty-five, Forty-six, Forty-seven, Forty-eight, Seventy-three, Eighty-one, Ninety-three, Ninety-seven, Ninety-nine, and One hundred and ten; in the Forty-fifth Year of King George the Third, Chapters Seven, Eight, Twelve, Twenty-seven, Forty, Fifty-five, Seventy-three, Seventy-four, Ninety-one, One hundred and ten, One hundred and eighteen, One hundred and nineteen, One hundred and twenty, and One hundred and twenty-nine; in the Forty-sixth Year of King George the Third, Chapters Six, Thirteen, Twenty-five, Twenty-six, Thirty-two, Thirty-three, Forty-one, Forty-six, Forty-seven, Fifty, Fifty-five, and Ninety-three, Chapter One hundred and forty-one, Sections Three, Four, and Five, and Chapters One hundred and forty-seven, One hundred and forty-eight, and One hundred and forty-nine; in the Forty-seventh Year of King George the Third, Statute One, Chapters Two, Ten, Twenty-three, Twenty-eight, Forty-six, and Fifty-five, and Statute Two, Chapters Six, Seven, Nine, Twenty-one, Twenty-eight, Seventy-two, Seventy-three, and Seventy-six; in the Forty-eighth Year of King George the Third, Chapters One, Three, Four, Seven, Twenty-one, Thirty-eight, Fifty-three, Fifty-four, Seventy-six, Eighty-three, Ninety-seven, One hundred and three, One hundred and twelve, One hundred and fourteen, One hundred and thirty-nine, One hundred and forty-one, and One hundred and forty-eight; in the Forty-ninth Year of King George the Third, Chapters, Two, Three, Twenty-one, Fifty-two, Sixty-four, Seventy-one, Seventy-eight, Seventy-nine, Ninety-two, Ninety-three, Ninety-four, One hundred and four, One hundred and fourteen, and One hundred and Twenty-eight; in the Fiftieth Year of King George the Third, Chapters Two, Three, Eight, Twenty-three, Thirty-six, Forty-five, Sixty-eight, Sixty-nine, Seventy, Seventy-one, Ninety-four, Ninety-eight, One hundred and fourteen, and One hundred and fifteen; in the Fifty-first Year of King George the Third, Chapters Three, Four, Five, Fifteen, Sixteen, Twenty-two, Twenty-six, Thirty-five, Forty-nine, Fifty-three, Fifty-four, Sixty-one, Eighty-five, Eighty-eight, One hundred and twelve, One hundred and thirteen, and One hundred and seventeen; in the Fifty-second Year of King George the Third, Chapters Four, Five, Ten, Fourteen, Nineteen, Twenty-four, Thirty-seven, Fifty-seven, Seventy, Seventy-eight, Eighty-five, Eighty-six, Ninety, Ninety-six, One hundred and thirteen, One hundred and fourteen, One hundred and twenty-five, One hundred and twenty-nine, One hundred and thirty-five, One hundred and thirty-seven, One hundred and fifty-four, and One hundred and sixty-four;

43 Geo. 3. cc. 5., 7., 36., 60., 67., 91., 93., 114., 146., 147., 148., 159., and 162.

44 Geo. 3. cc. 15., 31., 45., 46., 47., 48., 73., 81., 93., 97., 99., and 110.

45 Geo. 3. cc. 7., 8., 12., 27., 40., 55., 73., 74., 91., 110., 118., 119., 120., and 129.

46 Geo. 3. cc. 6., 13., 25., 26., 32., 33., 41., 46., 47., 50., 55., 93., 141. (ss. 3., 4., and 5.), 147., 148., and 149.

47 Geo. 3. Stat. 1. cc. 2., 10., 23., 28., 46., and 55.
47 Geo. 3. Stat. 2., cc. 6., 7., 9., 21., 28., 72., 73., and 76.

48 Geo. 3. cc. 1., 3., 4., 7., 21., 38., 53., 54., 76., 83., 97., 103., 112., 114., 139., 141., and 148.

49 Geo. 3. cc. 2., 3., 21., 52., 64., 71., 78., 79., 92., 93., 94., 104., 114., and 128.

50 Geo. 3. cc. 2., 3., 8., 23., 36., 45., 68., 69., 70., 71., 94., 98., 114., and 115.

51 Geo. 3. cc. 3., 4., 5., 15., 16., 22., 26., 35., 49., 53., 54., 61., 85., 88., 112., 113., and 117.

52 Geo. 3. cc. 4., 5., 10., 14., 19., 24., 37., 57., 70., 78., 85., 86., 90., 96., 113., 114., 125., 129., 135., 137., 154., and 164.

53 Geo. 3. cc. 16., 26., 27., 35., 41., 52., 53., 61., 69., 93., 95., 100., 107., 118., 119, 120., 136., 153., 156., and 161.

54 Geo. 3. cc. 3., 8., 13., 18., 39., 53., 74., 75., 76., 79., 80., 83., 85., 89., 139., 140., 162., 163., 164., 167., and 188.

55 Geo. 3. cc. 2., 4., 5., 16., 40., 57., 58., 73., 74., 124., 141., 148., 149., 169., 187., and 196.

56 Geo. 3. cc. 4., 7., 14., 24., 28., 41., 42., 47., 53., 54., 60., 61., 70., 77., 89., 96., 97., 98., 133., and 142.

57 Geo. 3. cc. 2., 16., 26., 30., 31., 34., 47., 48., 65., 67., 79., 80., 81., 82., 83., 84., and 132.

58 Geo. 3. cc. 4., 23., 24., 66., 71., 80., 86., 87., and 101.

59 Geo. 3. cc. 3., 20., 22., 34., 42., 65., 71., 76., 131., 132., and 133.

1 Geo. 4. Stat. 2. cc. 2., 13., 17., 22., 23., 31., 46., 72., 104., 108., 109., 110., and 111.

1 & 2 Geo. 4. cc. 5. (s. 4.) 28., 59. (ss. 1., 4., and 7.) 70., 71., 72., 73., 80., 108., 120., and 122.

3 Geo. 4. cc. 8., 9., 17., 26., 56., 61., 66., 73., 79., 86., (ss. 1. to 5., 11. to 14., 32., 33., 35. to 37., and 54.,) 89., 98., 101., 122., and 127.

four; in the Fifty-third Year of King George the Third, Chapters Sixteen, Twenty-six, Twenty-seven, Thirty-five, Forty-one, Forty-two, Fifty-three, Sixty-one, Sixty-nine, Ninety-three, Ninety-five, One hundred, One hundred and seven, One hundred and eighteen, One hundred and nineteen, One hundred and twenty, One hundred and thirty-six, One hundred and fifty-three, One hundred and fifty-six, and One hundred and sixty-one; in the Fifty-fourth Year of King George the Third, Chapters Three, Eight, Thirteen, Eighteen, Thirty-nine, Fifty-three, Seventy-four, Seventy-five, Seventy-six, Seventy-nine, Eighty, Eighty-three, Eighty-five, Eighty-nine, One hundred and thirty-nine, One hundred and forty, One hundred and sixty-two, One hundred and sixty-three, One hundred and sixty-four, One hundred and sixty-seven, and One hundred and eighty-eight; in the Fifty-fifth Year of King George the Third, Chapters Two, Four, Five, Sixteen, Forty, Fifty-seven, Fifty-eight, Seventy-three, Seventy-four, One hundred and twenty-four, One hundred and forty-one, One hundred and forty-eight, One hundred and forty-nine, One hundred and sixty-nine, One hundred and eighty-seven, and One hundred and ninety-six; in the Fifty-sixth Year of King George the Third, Chapters Four, Seven, Fourteen, Twenty-four, Twenty-Eight, Forty-one, Forty-two, Forty-seven, Fifty-three, Fifty-four, Sixty, Sixty-one, Seventy, Seventy-seven, Eighty-nine, Ninety-six, Ninety-seven, Ninety-eight, One hundred and thirty-three, and One hundred and forty-two; in the Fifty-Seventh Year of King George the Third, Chapters Two, Sixteen, Twenty-six, Thirty, Thirty-one, Thirty-four, Forty-seven, Forty-eight, Sixty-five, Sixty-seven, Seventy-nine, Eighty, Eighty-one, Eighty-two, Eighty-three, Eighty-four, and One hundred and thirty-two; in the Fifty-eighth Year of King George the Third, Chapters Four, Twenty-three, Twenty-four, Sixty-six, Seventy-one, Eighty, Eighty-six, Eighty-seven, and One hundred and one; in the Fifty-ninth Year of King George the Third, Chapters Three, Twenty, Twenty-two, Thirty-four, Forty-two, Sixty-five, Seventy-one, Seventy-six, One hundred and thirty-one, One hundred and thirty-two, and One hundred and thirty-three; in the First Year of King George the Fourth, Statute Two, Chapters Two, Thirteen, Seventeen, Twenty-two, Twenty-three, Thirty-one, Forty-six, Seventy-two, One hundred and four, One hundred and eight, One hundred and nine, One hundred and ten, and One hundred and eleven; in the First and Second Years of King George the Fourth, Chapter Five, Section Four, Chapter Twenty-eight, Chapter Fifty-nine, Sections One, Four, and Seven, Chapters Seventy, Seventy one, Seventy-two, Seventy-three, Eighty, One hundred and eight, One hundred and twenty, and One hundred and Twenty-two; in the Third Year of King George the Fourth, Chapters Eight, Nine, Seventeen, Twenty-six, Fifty-six, Sixty-one, Sixty-six, Seventy-three, and Seventy-nine, Chapter Eighty-six,

six, Sections One, Two, Three, Four, Five, Eleven, Twelve, Thirteen, Fourteen, Thirty-two, Thirty-three, Thirty-five, Thirty-six, Thirty-seven, and Fifty-four, and Chapters Eighty-nine, Ninety-eight, One hundred and one, One hundred and twenty-two, and One hundred and twenty-seven; in the Fourth Year of King George the Fourth, Chapters Four, Nineteen, Twenty-one, Twenty-two, and Sixty, Chapter Sixty-one, Sections Twenty-six, Twenty-nine, Thirty-seven, Thirty-eight, Thirty-nine, Forty, Sixty, Sixty-one, Sixty-two, Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight, Sixty-nine, and Seventy, and Chapters Sixty-three, Ninety-two, and One hundred; in the Fifth Year of King George the Fourth, Chapters Two, Three, Nine, Eleven, Twenty-three, Twenty-four, Forty-five, Fifty-three, Seventy-seven, and One hundred and fifteen; in the Sixth Year of King George the Fourth, Chapters One, Two, and Fourteen, Chapter Thirty, Sections One, Nine, Ten, Eleven, and Seventeen, Chapter Thirty-three, Chapter Fifty-five, Section One, Chapters Seventy and Eighty-two, Chapter Eighty-three, Section Nine, Chapter Eighty-eight, Chapter One hundred and one, Section Four, and Chapter One hundred and thirty-four; in the Seventh Year of King George the Fourth, Chapters One, Two, Thirty-nine, and Fifty, Chapter Seventy-four, Sections Seven, Sixty-nine, One hundred and nineteen, and One hundred and twenty-three, and Chapter Seventy-nine; in the Seventh and Eighth Years of King George the Fourth, Chapters One, Two, Sixteen, Forty-one, and Forty-two, Chapter Forty-four, Section Two, and Chapter Seventy; in the Ninth Year of King George the Fourth, Chapters One, Two, Ten, Sixteen, Nineteen, Twenty-eight, Thirty, Eighty-nine, and Ninety, Chapter Ninety-two, Sections Fourteen, Fifteen, Sixteen, Seventeen, Twenty-three, Twenty-four, Forty-eight, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, and Chapter Ninety-five; in the Tenth Year of King George the Fourth, Chapters One, Two, Twenty-four, Twenty-seven, Twenty-eight, Thirty-one, and Forty-eight, Chapter Forty-nine, Sections Three, Four, Five, and Six, and Chapter Sixty; in the Eleventh Year of King George the Fourth, and the First Year of King William the Fourth, Chapters Two, Three, Four, Thirteen, Twenty-six, Twenty-eight, Thirty-two, Sixty-two, and Sixty-three, and Chapter Seventy, Sections Twenty-four, Twenty-five, and Twenty-six; in the First Year of King William the Fourth, Chapters One, Five, Nine, Ten, and Eleven; in the First and Second Years of King William the Fourth, Chapter Fourteen, and Chapter Twenty-four, Sections One, Two, Three, Four, Five, Six, Eleven, Fifteen, and Sixteen, Chapter Twenty-six, Section Two, Chapters Twenty-eight, and Thirty-three, Chapter Thirty-five, Section Four, and Chapters Fifty-two and Fifty-four; in the Second and Third Years of King William

4 Geo. 4 cc. 4., 19., 21., 22., 60., 61., (ss. 26., 37. to 40., and 60. to 70.,) 63., 92., and 100.

5 Geo. 4. cc. 2., 3., 9., 11., 23., 24., 45., 53., 77., and 115.

6 Geo. 4. cc. 1., 2., 14., 30., (ss. 1., 9., 10., 11., and 17.,) 33., 55., (s. 1.,) 70., 82., 83., (s. 9.,) 88., 101. (s. 4.,) and 134.

7 Geo. 4. cc. 1., 2., 39., 50., 74., (ss. 7., 69., 119., and 123.,) and 79.

7 & 8 Geo. 4. cc. 1., 2., 16., 41., 42., 44. (s. 2.,) and 70

9 Geo. 4. cc. 1., 2., 10., 16., 19., 28., 30., 89., 90., 92., (ss. 14. to 17., 23., 24., 48., and 50. to 61.,) and 95.

10 Geo. 4. cc. 1., 2., 24., 27., 28., 31., 48., 49., (ss. 3. to 6.,) and 60.

11 Geo. 4. and 1 Will. 4. cc. 2., 3., 4., 12., 26., 28., 32., 62., 63., and 70., (ss. 24., 25., and 26.)

1 Will. 4. cc. 1., 5., 9., 10., and 11.

1 & 2 Will. 4. cc. 14., 24., (ss. 1. to 6., 11., 15., and 16.,) 26. (s. 2.), 28., 33., 35. (s. 4.), and 54.

2 & 3 Will. cc. 2., 6., 12., 30., 51., 55., 59., 75., (ss. 3. and 6.,) 88., (s. 67.,) 94., 103., (ss. 31. and

112.,) 109., 1 1., (ss. 1., 2., and 3., 116., (ss. 3. to 8., and 12.,) 125., and 126.

William the Fourth, Chapters Two, Six, Twelve, Thirty, Fifty-one, Fifty-five and Fifty-nine, Chapter Seventy-five, Sections Three and Six, Chapter Eighty-eight, Section Sixty-seven, Chapter Ninety-four, Chapter One hundred and three, Sections Thirty-one and One hundred and twelve, Chapter One hundred and nine, Chapter One hundred and eleven, Sections One, Two, and Three, Chapter One hundred and sixteen, Sections Three, Four, Five, Six, Seven, Eight, and Twelve, and Chapters One hundred and twenty-five and One

3 & 4 Will. 4. cc. 1., 2., 14., (ss. 2., 4. to 18., 23. to 25., 29., and 30.,) 18., 24., 25., 32., 84., (s. 4.,) 85., (ss. 12. to 15.,) 89., (ss. 1. and 2.,) 96., and 98., (ss. 9., 13., and 14.)

hundred and twenty-six; in the Third and Fourth Years of King William the Fourth, Chapters One and Two, Chapter Fourteen, Sections Two, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty-three, Twenty-four, Twenty-five, Twenty-nine, and Thirty, and Chapters Eighteen, Twenty-four, Twenty-five, and Thirty-two, Chapter Eighty-four, Section Four, Chapter Eighty-five, Sections Twelve, Thirteen, Fourteen, and Fifteen, Chapter Eighty-nine, Sections One and Two, Chapter Ninety-six, and Chapter Ninety-

4 & 5 Will. 4. cc. 2., 3., 12., 15., 24., (ss. 1. to 7.,) 31., 58., 70., (s. 1.,) 72., (ss. 1. to 6., 9., and 10.,) 78., (ss. 23. to 34.,) 80., and 84.

eight, Sections Nine, Thirteen, and Fourteen; in the Fourth and Fifth Years of King William the Fourth, Chapters Two, Three, Twelve, and Fifteen, Chapter Twenty-four, Sections One, Two, Three, Four, Five, Six, and Seven, Chapters Thirty-one and Fifty-eight, Chapter Seventy, Section One, Chapter Seventy-two, Sections One, Two, Three, Four, Five, Six, Nine, and Ten, Chapter Seventy-eight, Sections Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, and Thirty-four, and Chapters Eighty, and

5 & 6 Will. 4. cc. 3., 4., 9., 35., 44., 47., (ss. 1. to 4.,) 51., 62., (ss. 2. to 5., and 7.) and 80.

Eighty-four; in the Fifth and Sixth Years of King William the Fourth, Chapters Three, Four, Nine, Thirty-five, and Forty-four, Chapter Forty-seven, Sections One, Two, Three, and Four, Chapter Fifty-one, Chapter Sixty-two, Sections Two, Three, Four, Five, and Seven, and

6 & 7 Will. 4. cc. 1., 2., 18., 19., (ss. 4., 5., and 6.,) 29., (s. 3.,) 71., (ss. 7. and 8.,) 74., (s. 2. and 3.,) 81., (ss. 7. and 8.,) 83., 84., (ss. 46. and 47.,) 86., (ss. 3. and 4.,) 87., (ss. 17 to 19.,) 98., 110., 113., and 116., (s. 61.)

Chapter Eighty; in the Sixth and Seventh Years of King William the Fourth, Chapters One, Two, and Eighteen, Chapter Nineteen, Sections Four, Five, and Six, Chapter Twenty-nine, Section Three, Chapter Seventy-one, Sections Seven and Eight, Chapter Seventy-four, Sections Two and Three, Chapter Eighty-one, Sections Seven and Eight, Chapter Eighty-three, Chapter Eighty-four, Sections Forty-six and Forty-seven, Chapter Eighty-six, Sections Three and Four, Chapter Eighty-seven, Sections Seventeen, Eighteen, and Nineteen, Chapters Ninety-eight, One hundred and Ten, and One hundred and Thirteen, and Chapter One hundred and Sixteen, Section Sixty-one; in the Seventh Year of King William the Fourth, and the First Year of Her present Majesty, Chapter Six, Chapter Nine, Sections Two and Four, Chapters Eleven, Sixteen, and Seventeen, Chapter Twenty-one, Sections Seven and Nine, Chapter Thirty, Sections Eighteen, Twenty-five, Twenty-six, and Twenty-

7 Will. 4. and 1 Vict. cc. 6., 9., (ss. 2. and 4.,) 11., 16., 17., 21., (ss. 7. and 9.,) 30., (ss. 18., 25. to 27., and Schedule A.) 38., 46., (s. 12.,) 51., (ss. 1. to 7., 12., 13., and 16.,) 59., and 79

seven

seven, and Schedule A., Chapter Thirty-eight, Chapter Forty-six, Section Twelve, Chapter Fifty-one, Sections One, Two, Three, Four, Five, Six, Seven, Twelve, Thirteen, and Sixteen, and Chapters Fifty-nine, and Seventy-nine; in the First and Second Years of Her said Majesty, Chapters Eight, Eleven, Twelve, Twenty-one, Twenty-six, Forty-nine, and Eighty-one, Chapter Eighty-eight, Sections One, Two, Three, Four, Five, Six, Seven, Nine, Twelve, Thirteen, and Fifteen, Chapter Ninety-three, Chapter Ninety-five, Sections One, Two, and Three, and Chapters One hundred and eight, and One hundred and eleven; in the Second and Third Years of Her said Majesty, Chapters Two, Six, and Eight, Chapter Sixteen, Sections Thirty-five and Thirty-six, Chapter Forty-seven, Sections Six and Nineteen, Chapter Seventy-one, Section Eleven, and Chapters Eighty-nine, Ninety, Ninety-one, and Ninety-seven; in the Third and Fourth Years of Her said Majesty, Chapters Three, Four, and Seven, Chapter Ten, Sections One, Two, Three, Four, Five, Six, Seven, Twelve, and Thirteen, Chapters Eleven and Forty, Chapter Sixty-six, Sections One, Seven, and Fifteen, Chapters Seventy-five and One hundred and six, Chapter One hundred and eight, Section Two hundred and Fourteen, and Chapter One hundred and twelve; in the Fourth and Fifth Years of Her said Majesty, Chapters One, Four, and Nineteen, Chapter Thirty-five, Sections Seven and Eight, and Chapter Fifty-three; in the Fifth Year of Her said Majesty, Chapter Five, Section Thirty-six, and Chapters Eight and Eleven; in the Fifth and Sixth Years of Her said Majesty, Chapter One, Chapter Nine, Section One, Chapter Twenty-one, Chapter Twenty-two, Sections One, Two, and Four, Chapter Sixty-six, Chapter Seventy-two, Sections Four, Twenty-four, Twenty-five, and Twenty-six, and Chapters One hundred and fifteen, and One hundred and twenty-one; in the Sixth and Seventh Years of Her said Majesty, Chapters One and Seventeen, Chapter Eighteen, Section Fifty-nine, Chapter Twenty, Section Ten, Chapter Twenty-five, Chapter Forty-four, Sections Three and Thirteen, and Chapters Sixty-three, Eighty-seven, and Ninety-nine; in the Seventh and Eighth Years of Her said Majesty, Chapters Four, Five, and Fourteen, Chapter Thirty-two, Sections Eight and Twenty-seven, Chapters Thirty-nine and Sixty-four, Chapter Seventy-one, Section Ten, Chapter Eighty, Chapter Eighty-one, Sections Fifty-three and Fifty-four, Chapter Eighty-three, Sections One, Two, Eight, and Thirteen, Chapter Eighty-four, Sections Ninety-four, Ninety-six, and Ninety-seven, Chapter Ninety, Section Twenty-two, Chapter Ninety-five, Section Thirty-eight, Chapter Ninety-six, Sections Seventy and Seventy-one, Chapter Ninety-seven, Sections Seven and Eight, Chapter One hundred and four, and Chapter One hundred and seven, Sections One, Two, Nineteen, and Thirty-six, and Schedules A., B., C., and D., in

1 & 2 Vict. cc. 8., 11., 12., 21., 26., 49., 81., 88., (ss. 1. to 7., 9., 12., 13., and 15.,) 93., 95., (ss. 1., 2., and 3.,) 108., and 111.

2 & 3 Vict. cc. 2., 6., 8., 16., (ss. 35. and 36.,) 47., (ss. 6. and 19.,) 71., (s. 11.,) 89., 90., 91., and 97.

3 & 4 Vict. cc. 3., 4., 7., 10., (ss. 1. to 7., 12., and 13.,) 11., 40., 66., (ss. 1., 7., and 15.,) 75., 106., 108., (s. 214.,) and 112.

4 & 5 Vict. cc. 1., 4., 19., 35., (ss. 7. and 8.,) 53.

5 Vict. cc. 5., (s. 36.,) 8., and 11.

5 & 6 Vict. cc. 1., 9. (s. 1.) 21., 22., (ss. 1., 2., and 4.,) 66., 72., (ss. 4., 24., 25., and 26.,) 115., and 121.

6 & 7 Vict. cc. 1., 17., 18., (s. 59.,) 20., (s. 10.,) 25., 44., (ss. 3. and 13.,) 63., 87., and 99.

7 & 8 Vict. cc. 4., 5., 14., 32., (ss. 8. and 27.,) 39., 64., 71., (s. 10.,) 80., 81., (ss. 53. and 54.,) 83., (ss. 1., 2., 8., and 13.,) 84. (ss. 94., 96., and 97.), 90. (s. 22.), 95. (s. 38.), 96. (ss. 70. and 71.), 97. (ss. 7. and 8.), 104. and 107. (ss. 1., 2., 19., and 36. and Schedules A., B., C., and D.)

8 & 9 Vict. cc. 23., 25., (ss. 4., 5., and 7., and Schedule A.,) 27., 37., (ss. 2., 3., and 4.,) 49., 62., 66., (s. 12.,) 97., 100., (ss. 3., 4., 9., 11., and 35.,) 129., and 130	*in the Eighth and Ninth Years of Her said Majesty, Chapter Twenty-three, Chapter Twenty-five, Sections Four, Five, and Seven, and Schedule A., Chapter Twenty-seven, Chapter Thirty-seven, Sections Two, Three, and Four, Chapters Forty-nine and Sixty-two, Chapter Sixty-six, Section Twelve, Chapter Ninety-seven, Chapter One hundred, Sections Three, Four, Nine, Eleven, and Thirty-five, Chapter One hundred and eighteen, Sections Six and Seven, and Chapters One hundred and twenty-nine, and One hundred and*
9 & 10 Vict. cc. 8., 15., 32., 80., (ss. 1. and 2.,) 85., 95., (ss. 10. and 23.,) 97., (s. 2.,) 101., (ss. 2. to 7., 9., 28., and 32.,) and 116.	*thirty; in the Ninth and Tenth Years of Her said Majesty, Chapters Eight, Fifteen, and Thirty-two, Chapter Eighty, Sections One and Two, Chapter Eighty-five, Chapter Ninety-five, Sections Ten and Twenty-three, Chapter Ninety-seven, Section Two, Chapter One hundred and one, Sections Two, Three, Four, Five, Six, Seven, Nine, Twenty-eight, and Thirty-two, and Chapter One hundred and sixteen; in the Tenth and Eleventh Years of Her said Majesty, Chapters*
10 & 11 Vict. cc. 9., 19., 32., (ss. 1. to 5., and 15.,) 36., 100., (s. 8.,) and 107.	*Nine and Nineteen, Chapter Thirty-two, Sections One, Two, Three, Four, Five, and Fifteen, Chapter Thirty-six, Chapter One hundred, Section Eight, and Chapter One hundred and seven; in the Eleventh*
11 & 12 Vict. cc. 16., 55., 125., 126., and 132., (s. 2.)	*and Twelfth Years of Her said Majesty, Chapters Sixteen, Fifty-five, One hundred and twenty-five, and One hundred and twenty-six, and Chapter One hundred and thirty-two, Section Two; in the Twelfth*
12 & 13 Vict. cc. 20., 71., 89., and 98.	*and Thirteenth Years of Her said Majesty, Chapters Twenty, Seventy-one, Eighty-nine, and Ninety-eight; in the Thirteenth and Fourteenth*
13 & 14 Vict. cc. 10., 18., (s. 37.,) 22., 31., (ss. 1., 2., 3., 11., and 12.,) 51., (s. 26.,) 63., 74., (ss. 2., 8., and 9.,) 77., 107., and 115., (ss. 10., 38., 43., 44., and 47.)	*Years of Her said Majesty, Chapter Ten, Chapter Eighteen, Section Thirty-seven, Chapter Twenty-two, Chapter Thirty-one, Sections One, Two, Three, Eleven, and Twelve, Chapter Fifty-one, Section Twenty-six, Chapter Sixty-three, Chapter Seventy-four, Sections Two, Eight, and Nine, Chapters Seventy-seven and One hundred and seven, and Chapter One hundred and fifteen, Sections Ten, Thirty-eight,*
14 & 15 Vict. cc. 9., 41., 53., (ss. 1. to 6.,) 57., (ss. 4. and 5., and Schedule B.,) 83., (s. 20.,) 89., (s. 1.,) and 101.	*Forty-three, Forty-four, and Forty-seven; in the Fourteenth and Fifteenth Years of Her said Majesty, Chapters Nine and Forty-one, Chapter Fifty-three, Sections One, Two, Three, Four, Five, and Six, Chapter Fifty-seven, Sections Four and Five, and Schedule B., Chapter Eighty-three, Section Twenty, Chapter Eighty-nine, Section One, and Chapter One hundred and one; in the Fifteenth*
15 & 16 Vict. cc. 10., 54., (s. 15.,) 55., (s. 2.,) 65., 82., and 87., (ss. 16., 23., and 49.)	*and Sixteenth Years of Her said Majesty, Chapter Ten, Chapter Fifty-four, Section Fifteen, Chapter Fifty-five, Section Two, Chapters Sixty-five and Eighty-two, and Chapter Eighty-seven, Sections*
16 & 17 Vict. cc. 12., 23., (ss. 1., 4. to 25., and 31. to 42.,) 25., 31., 55., (s. 6., and Schedule A.,) 110., 113., (s. 176.,) and 132., (ss. 6., 7., 8., 9., 10., and 11.)	*Sixteen, Twenty-three, and Forty-nine; and in the Sixteenth and Seventeenth Years of Her said Majesty, Chapter Twelve, Chapter Twenty-three (except Sections Two, Three, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, and Thirty), Chapters Twenty-five, and Thirty-one, Chapter Fifty-five, Section Six, and Schedule A., Chapter One hundred and ten, Chapter One hundred and thirteen, Section One hundred and seventy-six, and Chapter One hundred and thirty-two, Sections Six, Seven, Eight, Nine, Ten, and Eleven.*

HEADS

OF A

BILL

FOR

The Interpretation of Enactments.

[Note.—The Words printed in *Italics* denote transitory or temporary Matter.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; that is to say,—

I. This Chapter shall apply to all Enactments, past and future, except in Cases where by any such Enactments express Provision hath been or shall be made contrary to or inconsistent with the Provisions hereof.

The Exception usually made in Interpretation Clauses appears to leave too much Latitude to judicial Exposition, and thereby to narrow their Operation. The Draughtsman ought to be made to "express" his own Meaning, and not to leave anything to Inference.

II. All Enactments regulating, extending, restraining, or taking away Rights, Duties, or Liabilities not originally created by Statute, and likewise Enactments amending or repealing such first-mentioned Enactments, shall (except in the Cases specified in the next Section, and subject to the Provisions of Sections Seventeen, Eighteen, and Nineteen,) be deemed and taken to be Parcel of and incorporate with

According to Serjeant Glanville, (3 How., St. Tr., 206), and Chief Justice Herbert (11 How. St. Tr. 1262), "Magna Carta and other Statutes, made for Explanation and Ratification of the lawful Rights and Privileges belonging to the Subjects of this Realm," are "Statutes incorporate into the Body of the Common Law itself," and to be expounded

accordingly. As uniformity of Interpretation is very desirable, and the Rules, by which the Common Law and "Statutes incorporate into its Body" are expounded, are much larger than those which now govern the Exposition of the Statute Law, there seems to be no sufficient Reason for not extending the same Principle to all Enactments, except those specified in Section 3.

with the common or unwritten Law, and construed and expounded accordingly.

The only Ground upon which this very questionable Distinction between Penal and Remedial Acts is defensible, is the possible Danger to Civil Liberty and Rights in evil Times from the strained Construction of political Enactments by partizan Judges. The First of these Two Sections having provided for that Danger, the Second may be considered unobjectionable, at least on that Ground.

III. All Penal Enactments which relate to Treason, Rebellion, Sedition, Defamation of Public Officers or Dignitaries, or other political Offences, to Riots, Conspiracies, Combinations, or other Offences against the Public Peace, or to Heresy, Blasphemy, Nonconformity, Recusancy, or other Offences against Religion or Ecclesiastical Policy or Government, all Enactments prohibiting under Penalties any Acts or Defaults not being mala in se, but made or declared to be Offences by Statute, and all Enactments in Restraint of the Political or Municipal Franchises and Rights of any of Her Majesty's Subjects, shall be interpreted strictly and according to the Letter, and shall not by any Equity or Liberality of Construction be extended to Cases not being within the strict Letter of the same.

IV. All other Enactments whatsoever, whether penal or not penal, whether novel or declaratory, whether enabling or disabling, and whether mandatory or directory, shall be received and taken as remedial Enactments, and shall be liberally expounded and interpreted as remedial Enactments are wont to be, and shall be construed to extend to Cases substantially within their Equity or the Intention of the Legislature, and so as to suppress the Mischief and advance the Remedy in all such Cases, although the same may happen not to be within the strict Letter of such Enactments.

The Fifth Section is in Accordance with the Opinions of several eminent Judges, whilst others not less eminent have declared themselves on the opposite Side of the Question. (See Dwarris on Statutes, 2d edit. p. 597.)

V. Considerations of Public Policy and Convenience are not to be allowed in the Interpretation of Enactments.

1 Mar. St. 3. c. 1.

VI. The Term Her Majesty or His Majesty shall be interpreted to include every Sovereign for the Time being.

VII. The Term whereby the actual Holder of any Office or Employment whether of Profit or not of Profit, and whether civil or military or judicial, is denoted, shall be interpreted to include every Holder of every such Office for the Time being.

VIII. The

VIII. The Terms Offices, Departments, or Services shall be interpreted to signify all Offices, Departments, or Services of a public Nature not charged upon or paid out of Her Majesty's Civil List.

IX. The Terms denoting the Heads of any Public Offices or Corporations shall comprehend all Commissions for executing the Duties of such Offices, and all others for the Time being charged with such Execution during the Vacancy, Absence, Incapacity, or otherwise.

This Section contains the Substance of much Repetition in every one of the Acts relating to public Departments, and in nearly every Clause of each Act.

X. The Term Person shall be interpreted to include the King, Queen or Regent of this Realm for the Time being, any Foreign Power, any Body Corporate, Company or Society of Persons not incorporated, or any Person or Number of Persons whatsoever, whether such Body Corporate, Company, Society, Person or Number of Persons shall reside or carry on Business within the United Kingdom, or elsewhere within the Dominions of Her Majesty, or within any Foreign Place or Country whatsoever, not being within the said Dominions.

Altered from "Criminal Law Digest" (p. 198), Chap. XX. s. 1. Art. 20.

XI. Where by any Enactment soever any Matter is required to be presented to or done in Parliament upon a Day or within a Time certain, such Enactment shall be interpreted further to intend thereby that if Parliament be not sitting upon the Day or within the Time thereby limited, the Matter so required may be presented to or done in Parliament within Fourteen Days after the next reassembling thereof.

The Adoption of this Section once for all will be an immense Saving of useless and cumbrous Repetition in future Legislation, and greatly tend to assist he Revision of what is past.

XII. Wheresoever any Persons entrusted with any Office in or concerning the Administration of Justice are empowered to do or permit any Act, Matter, or Thing in or incident to their said Office, such Powers shall be respectively interpreted to imply a Commandment to exercise the same respectively, according to their Tenor or Effect; but in all other Cases, except such as are comprehended within the next Section, the Exercise of any Powers vested in Public Officers, and not coupled with an express Commandment to exercise them, shall be deemed and construed to be discretionary only.

This Section is declaratory the existing Law. See the Cases in Sir F. Dwarris's Treatise on the Statutes, (2d Edit.) p. 604.

XIII. Enactments whereby it is in effect provided that the Persons entrusted with the Execution thereof or with the Superintendence or Control of such Execution, shall and may exercise any Powers or Authorities specified in such Enactments, shall be in all cases interpreted and taken to be mandatory or imperative and not merely directory or enabling Enactments.

See the Note to the last Section.

XIV. Any Term importing a Commandment to do, suffer, or omit any Matter or Thing shall be interpreted to include an Authority to do, suffer, or omit the same.

XV. Enactments commanding or forbidding the doing, sufferance, or omission of any Act, Matter or Thing, by Persons holding any Public Office, shall be interpreted to apply likewise to the doing, sufferance, or omission of Acts, Matters, or Things of the like Nature, by the Deputies, Assistants, and proper Officers of such Persons, and for such the said Persons shall accordingly answer in all respects as for their own Acts and Defaults, except where done, suffered, or omitted against their Will or without their Knowledge respectively.

The contrary is still the Rule of Exposition, as laid down by Lord Coke in the Archbishop of Canterbury's Case, 2 Rep. 46, 47. The same Writer, in expounding elsewhere, (Co. Litt. 99 b.) the Common Law upon the same Subject, viz. the Rights of Ecclesiastical Persons, adopts the opposite Principle, and on it this Section is framed.

XVI. The Operation of general Terms shall not be restrained or affected, by reason of any antecedent Enumeration of Terms applicable to some individual Cases, but shall be applied to every individual Case which comes within the Meaning of such general Terms, and to which the same would but for such Enumeration have been by Law applicable.

The Reasons for the nineteenth Section will be found in the Cases collected by Sir F. Dwarris (pp. 571-2.) The present Practice has been condemned by the Judges, who have nevertheless been compelled to follow it.

XVII. An expired or repealed Enactment shall be taken to be as if it had never existed, and it shall not be lawful to refer thereto for the Purpose of construing the Meaning of any subsisting Enactment.

XVIII. Acts and Things done, Liabilities actually incurred, and Rights actually acquired or vested, pursuant to the Provisions of an Enactment subsequently expired or repealed, and Remedies or Proceedings incident respectively to such Acts, Things, Liabilities, and Rights, shall not by such Expiration or Repeal be avoided, abrogated, lessened, suspended, or affected.

The Act of the 13 & 14 Vict. c. 21. (s. 5.) may be construed to apply to express Repeals only.

XIX. An Enactment repealed, whether virtually or expressly, is not revived by the subsequent Repeal of the Enactment which repealed it.

PAPERS BY MR. BRICKDALE.

1. Draft of a new Statute of Wills, with introductory Observations.
2. Draft of a new Statute of Apportionment, with introductory Observations.
3. List of obsolete Statutes for Repeal.
4. Remarks on Consolidated Clauses Acts, Interpretation Clauses, &c.

Notes on the Wills Acts, 7 William IV. and 1 Vict. c. 26, and 15 and 16 Vict. c. 24, with reference to the accompanying Draft of a Bill concerning Wills.

The following sheets contain notes on the Wills Acts of 1837 and 1852, principally for the purpose of explaining and justifying the proposed new Bill on the same subject of which a draft is subjoined.

Some observations of a general nature are prefixed, partly to avoid repetition in the more detailed examination of the several sections of the Acts, and partly to explain the principles on which the new Bill is framed, and to meet some objections which may be raised against it.

Preliminary Observations.

I. It may be objected that on such a subject it is not right again to unsettle the public mind, so soon after the former interference with established practices. To this it may be answered, first, that the alterations as to execution are entirely *for the relief of the testator*, and that any execution which is good under the Wills Act will also be good under the new Bill; so that, while effect is given to the many genuine wills which would have been invalid owing to the defective phraseology of the Wills Act, the new Bill cannot operate to the detriment of any testator who has not made himself acquainted with the new Bill; and secondly, with regard to the proposed alterations of the enactments of the Wills Act relating to principles of construction, it is to be observed that the purpose and effect of such enactments is not to give instructions which must be attended to by testators, but simply to remedy objectionable rules of law, by which the intentions of testators are probably defeated; and that therefore the sooner those principles of construction which are the most likely to effectuate the real intentions of testators are established the better; and in this respect the public have nothing to learn or to unlearn; the enactments in question being almost entirely for the relief of those testators who make their wills without knowing the law, not for the guidance of those who do study it, about whom no anxiety need be felt.

II. The Bill contains no "interpretation clause" and scarcely any Definitions. It is conceived that "interpretation clauses" (meaning the practice of arbitrarily attaching peculiar meanings to words for the purposes of the particular Act only, such as enactments that "land" shall mean "hereditaments," &c.) are likely to lead to errors and confusion, and that the verboseness which they are intended to dispense with may be avoided without their use by a careful choice of proper words. The case of *definitions* of words of which the meaning is

ambiguous is different ; definitions of such words are undoubtedly often wanted in Acts of Parliament; and it has been for special, not for general reasons, that no definitions have been attempted in the Bill of some words which may at first be thought to have required a definition.

The following is an example of the special considerations referred to :—The Wills Act requires that every will should be "signed" by the testator. This is apparently a plain word; yet many doubts have been or may be raised upon it. Is a *mark* by one who cannot write sufficient? Are the *initials* sufficient? May the signature be made by deputy? A definition of "signature" seems the obvious remedy for such difficulties ; and no doubt to a Judge who had to decide whether a will subscribed with the initials* of a testator was sufficiently "signed," it would be a great relief and convenience to have such a definition stating whether it implied the writing of the name at full length or not; and if the Wills Act were to be referred to by Judges alone, there could be no question that it would be right to define with the utmost exactness what the word was intended to convey; but it is to be remembered on the other hand, that the Wills Act is also a code of instructions to the public, and that, although there can be no objection to authorizing a Judge to give validity to an apparently genuine will, though signed with initials only, it is by no means desirable to invite or encourage testators to sign in that imperfect and unsatisfactory way, by telling them in the Act itself that the initials are as good a signature as the full name.

To these considerations, it is to be added that there is always a risk when definitions are attempted, that they will be imperfect and not include everything which is included in the idea of the word defined, and that the more common and apparently plain the word is, the greater is the risk of some such omission being made. In every case, therefore, it must be considered, with reference to all attendant circumstances, whether that risk is a greater or a less evil than the possibility of doubts arising hereafter which may require judicial solution ; and in this point of view there is, perhaps, also some difference between Acts like the Wills Act and some others, such as those affecting personal liberty, the rights of the subject against the executive, &c., as to which peculiar jealousy is felt; in the latter case it may be more desirable, for the sake of giving a sense of security, to lay down strict definitions even at the risk of leaving some unforeseen cases unprovided for ; while in other cases the balance of convenience may be the other way.

The calamitous effect of the direction respecting "foot or end," in the 9th section of the Wills Act, appears to be a warning on this subject ; those words were, in fact, an imperfect attempt to define *authentication by subscription:* and though it may be said that the bad result was only because it was imperfectly done, yet in examining the cases which have arisen on these words, it must be admitted that many could hardly have been foreseen and provided against by any definition.

Of course, these reasons against attempting definitions only apply to the case of words of which the leading meaning is plain, though some doubts may arise as to its extreme limits. If a testator will "sign" his will according to the common meaning of the word, he will have no difficulty in complying with the requisition of the Legislature, and that being the case, if

* This case has occurred, and has been decided in the affirmative. In re Hinds, 16 Jurist, 1161.

he chooses wilfully to do an imperfect act, he cannot fairly complain if he is told that he does it at his peril, and that the inconveniences of definitions will not be incurred merely to indulge his waywardness or carelessness.

III. As to enacting Principles of Construction.—It is not intended here to enter into the question of whether it would not be better to apply uniform rules of construction to wills and to deeds without distinction. The opinions on both sides will be found collected in Mr. Tyrrell's communication to the Real Property Commissioners appended to their First Report (page 350), and in their Fourth Report the same Commissioners state their own views on the subject.

It may, however, be observed, that the great variety and complexity of rules of construction now in existence as to wills, is not so much owing to any greater desire of the Courts to give effect to wills than to deeds (though that motive has no doubt existed) as to the following two causes: first, the greater variety and intricacy of the modes in which the customs and feelings of the people incline them to dispose of their property by will, in comparison with dispositions by deed; and secondly, the fact that it is a common practice for testators to make their own wills (as indeed is to be expected from the nature of the document), while it rarely happens that a deed relating to property is prepared without the help of a lawyer. It seems, therefore, probable, that even if the rules of construction of wills were assimilated to those of deeds it would not be long (supposing the existing causes to continue at work) before rules as numerous and distinctions as refined as at present (though different) would necessarily spring up out of the judicial interpretations put upon wills, only they would be applicable to deeds also in the few cases in which deeds might occur containing the points.

The principle of "Enacting Rules of Construction" has often been disapproved of: the objections to it are thus summed up in Mr. H. Sugden's work on Wills, p. 134.

"The new law rests on the precise text of the Statute, which never varies, whilst the case provided for changes its aspect and relation in nearly every will upon which the question arises. A general rule established by judicial authority will adapt itself to individual cases as they arise, a positive rule enacted by the Legislature will accommodate itself to but a few. A positive rule under such circumstances is likely to produce great mischief. Fortunately for English jurisprudence, this truth has so impressed itself on men's minds that the Legislature has seldom interfered to alter a rule of judicial construction. It would perhaps have been well if this forbearance had been shown in the present instance. In attempting to frame such clauses Lord Camden's observations in his argument in Doe v. Kersey should not be forgotten. It is, he observed, beyond the power of penmanship to anticipate such questions, and it must always be remembered that the rules of construction were framed to supply the defects of human language and capacity, so that at best, in such complicated matters, we must have recourse to such aid."

Notwithstanding these objections, it must be admitted that no practical difference exists between a rule of construction clearly ascertained and recognized by the Courts, and a similar rule enacted by Act of Parliament; one is as binding and as inflexible as the other; and therefore, where any such rule exists which operates harshly or unjustly, it must necessarily be remedied by Act of Parliament, or remain unremedied, for the Courts themselves, though they made it, have no power to alter it. Nothing but an Act of Parliament, for instance, could have reversed the rule that a devise of freehold land

without words of inheritance gave a life estate only. The enactment o rules of construction seems therefore to be justified from necessity, and even on principle, for it is a necessary consequence of the principle that the Courts can make such rules, but cannot alter them when made.*

In framing such principles of construction as it seemed expedient to insert in the Bill, the two following principles have been borne in mind:—1st. Not to enact any rule which would give to words an effect different from their primary meaning: and 2ndly, Not to attempt to enact a rule except where the cases in which it would operate could be foreseen with tolerable certainty. Some of the rules enacted in the Wills Act are faulty in this respect, being of such a nature that it is impossible to say by anticipation whether they will not defeat the intentions of testators as often as they will assist them. Parts of the 22nd, 28th, 29th, and 33rd sections, for instance, are open to this objection.

IV. With respect to the language of the Bill, it has been drawn on the understanding that it is considered important to establish a concise style in Acts of Parliament, and that this Bill is to be a specimen of how such a style can be accomplished. The causes of the verbose style at present in use appear to be partly haste, or indolence, or want of confidence on the part of the draftsman; but chiefly a general assumption that it is necessary to use a style which not only is plain and intelligible to persons of ordinary sense and candour, but also will meet in distinct terms every unworthy and foolish quibble that can be suggested.

The practice of writing in this style has, perhaps, some advantages; but if a concise style is thought worth attaining, it is submitted that it can only be attained by a resolute departure from that practice, and a determination on the part of the draftsman, after choosing carefully the best and briefest mode of expressing his meaning, to rely on his own work, and never to allow himself to add a word which a fair and intelligent person would not require. So long as it is to be assumed that anybody will suppose, or pretend to suppose, that an enactment that "a testator shall sign his will in the presence of two witnesses" does not apply to *all* testators, and to *women* as well as to men, it is useless to think of attaining brevity by "interpretation clauses," or "short titles," or similar contrivances, which are both trivial in their results and faulty in principle. The real remedy lies in every one's hand, and is a matter of practice, and not of invention.

The Bill is also submitted as an example of the advantage of dividing the matter into very short paragraphs, which renders it more plain and easy of reference, and also increases the facility of subsequent alteration, by substituting new sections in the places of the old.

Another object kept in view in preparing the Bill, has been to reduce the law to propositions as general and abstract as possible. This may perhaps make it liable to a charge of obscurity; but it is to be observed that the form

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* An instance of what may be called the enactment of a rule of construction occurs as early as the reign of Edward the Second:—"Quando Dominus Rex dat vel concedit aliquod manerium vel terram cum pertinentiis, nisi faciat in cartâ suâ vel scripto expressam mentionem de Feodis militum, Advocationibus ecclesiarum, et Dotibus cum acciderint, ad predicta manerium vel terram pertinentibus, tunc hiis diebus Rex reservat sibi eadem feoda et advocationes cum dotibus, licet inter alias personas aliter fuerit observatum." Statute of Prerogativa Regis, 17 Edward II. c. 15. See Whistler's case, 10 Rep. 63*a*.

of legislation most convenient for the *student* of the law, is not the form most useful and proper for the executive power which has to administer the law; nor indeed for any one who has occasion to ascertain what is the law applicable to any given case. The former requires something which his reason and memory can easily take hold of and retain; the latter require a fixed standard by which all individual instances when they arise can be measured with accuracy. When an enactment is made with reference to a particular case, the effect of the terms used, as well as the reasons for using them, will generally be tolerably apparent; but an abstract rule which is intended to be found applicable to a great variety of cases when required, does not in the same manner bear its purpose on its face, and will not become intelligible until the particular cases for which it is intended are referred to and tested by it. It is hoped, therefore, that the appearance of obscurity, so far as it is inseparable from the abstract nature of the propositions, will not be considered a fault.

Another charge may be brought against the language used in the Bill; that the desire to attain brevity is carried to an excess, and that points are left in uncertainty which might have been unequivocally settled by the employment of a few additional words: say, for instance, the omission from the enumeration of what a testator may dispose of by his will in the first section of the Bill, of the explanatory expression used in the third section of the Wills Act, that he may dispose of everything which would have gone to his heir or administrator if he had died intestate. The considerations which seemed to justify the omission of this particular expression need not be entered into; but it should be stated generally, with reference to any such objections, that as this Bill is presented strictly as a specimen of the utmost attainable conciseness, the writer considered himself as under an obligation to insert no word that could by any means be dispensed with; so that notwithstanding that it may often be useful and advisable in practical legislation to provide directly against the possibility of even ill-founded doubts, he was not in this particular instance entitled to do so; although the difficulty and anxiety of selecting proper terms would of course have been greatly diminished if such a practice had been permitted. An intention was at first entertained of entering at length into the grounds on which every particular expression used in the Bill was fixed on, and others rejected; but it was found that it would lead to disquisitions both too long and too minute for insertion here.

Notes on the Act 7 Will. IV. and 1 Vict. c. 26. "for the Amendment of the Laws with respect to Wills."

Sec. I. "Be it enacted, &c. That the words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Will" shall extend to a testament and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child, by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, "and Tenures in capite and by Knights Service and Purveyance, and for "settling a Revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth

years of the reign of King Charles the Second, intituled "An Act for "taking away the Court of Wards and Liveries, and Tenures in capite and "by Knights Service," and to any other testamentary disposition; and the words "Real Estate" shall extend to manors, advowsons, messuages, lands, tithes, rents, and hereditaments, whether freehold, customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "Personal Estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male."

As to the definition of "will," see section 49 of the Bill.

As to testamentary appointments of guardians, under 12 Car. II. c. 24. see note on sec. 6.

The definitions of "real estate," and "personal estate," and the enactment respecting number and gender may be omitted; they are not needed if the enactments are properly expressed; or, if needed, the provisions as to number and gender are supplied by the 13 and 14 Vict. c. 21. sec. 4.

Sec. II. "And be it further enacted, That an Act passed in the thirty-second year of the reign of King Henry the Eighth, intituled "The Act "of Wills, Wards, and Primer Seisins, whereby a Man may devise Two "Parts of his Land;" and also an Act passed in the thirty-fourth and thirty-fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the Explanation of Wills;" and also an Act passed in the Parliament of Ireland, in the tenth year of the reign of King Charles the First, intituled "An Act how Lands, Tenements, etc. may "be disposed by Will or otherwise, and concerning Wards and Primer "Seisins;" and also so much of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for Prevention of "Frauds and Perjuries," and of an Act passed in the Parliament of Ireland in the seventh year of the reign of King William the Third, intituled "An "Act for Prevention of Frauds and Perjuries," as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements, or hereditaments, or any clause thereof, or to the devise of any estate pur autre vie, or to any such estate being assets, or to nuncupative wills, or to the repeal, altering, or changing of any will in writing concerning any goods or chattels or personal estate, or any clause, devise, or bequest therein; and also so much of an Act passed in the fourth and fifth years of the reign of Queen Anne, intituled "An Act for the Amendment of the Law and the better Advancement of "Justice," and of an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, intituled "An Act for the Amendment of "the Law and the better Advancement of Justice," as relates to witnesses to nuncupative wills; and also so much of an Act passed in the fourteenth

year of the reign of King George the Second, intituled "An Act to "amend the Law concerning Common Recoveries, and to explain and "amend an Act made in the Twenty-ninth Year of the Reign of King "Charles the Second, intituled 'An Act for Prevention of Frauds and "'Perjuries,'" as relates to estates pur autre vie; and also an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain Doubts and Ques- "tions relating to the Attestation of Wills and Codicils concerning Real "Estates in that part of Great Britain called England, and in His "Majesty's Colonies and Plantations in America," except so far as relates to His Majesty's Colonies and Plantations in America; and also an Act passed in the Parliament of Ireland in the same twenty-fifth year of the reign of King George the Second, intituled "An Act for the avoiding and "putting an end to certain Doubts and Questions relating to the Attes- "tation of Wills and Codicils concerning Real Estates;" and also an Act passed in the fifty-fifth year of the reign of King George the Third, inti tuled "An Act to remove certain Difficulties in the Disposition of Copy- hold Estates by Will," shall be and the same are hereby repealed, except so far as the same Acts or any of them respectively relate to any Wills or Estates pur autre vie to which this Act does not extend."

As this section does not specify the sections which are repealed where the repeal of Acts is only partial, and as several additional enactments are to be repealed, it appears advisable to repeat the whole list of Acts or parts of Acts repealed. These will be found in a separate Bill. The propriety of effecting all repeals by separate Bills has been shown by Mr. Coode in the First Report, p. 82.

The additional enactments repealed are,—

1st. Those repealing the customs of York, Wales, and London, as to pars rationabilis. A very short clause in the Bill declaring *all* customs as to pars rationabilis to be abolished, will make all these enactments unnecessary, and will clear the Statute Book to that extent, and will also settle the doubt (if any exists) as to whether the custom of the city of Chester is still in force. (See Williams on Executors, 1st chapter.) Sect. 2 of the Bill contains this provision.

2nd. Part of the fifth section of the 11 Geo. II. c. 17. That section enacts,—

That every grant to be made from and after the sixth day of May one thousand seven hundred and thirty eight, of any advowson or right of presentation, collation, nomination, or donation of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, and every grant or any avoidance thereof, by any Papist, or person making profession of the Popish religion, or any mortgagee, trustee, or person anyways intrusted directly or indirectly, mediately or immediately, by or for any such Papist or person making profession of the Popish religion, whether such trust be declared by writing or not, shall be null and void, unless such grant shall be made bonâ fide, and for a full and valuable consideration to and for a Protestant purchaser or Protestant purchasers, and merely and only for the benefit of a Protestant or Protestants; and that every such grantee, or person claiming under any such grant, shall be deemed to be a trustee for a Papist or person professing the Popish religion as aforesaid, within the true intent and meaning of the said Act; and that all such grantees, or persons claiming under such grants, and their presentees, shall be compelled to make such discovery relating to such grants and presentations made thereupon, and by such methods, as in and by the said Act of the twelfth year of the reign of Queen Anne are directed in the case of trustees

of Papists or persons professing the Popish religion; and that every devise to be made from and after the said sixth day of May by any Papist or person professing the Popish religion of any such advowson or right of presentation, collation, nomination, or donation, or any such avoidance, with intent to secure the benefit thereof to the heirs or family of such Papist or person professing the Popish religion, shall be null and void; and that all such devisees, and persons claiming under such devisees, and their presentees, shall in the like manner and by such methods be compelled to discover whether to the best of their knowledge and belief such devises were not made with the said intent.

Part of this section is preserved by the 9 and 10 Vict. c. 59, which repeals the rest of the Act; the exception is in the following words:—

Except so much of the said Act as relates to any advowson, or right of presentation, collation, nomination, or donation of or to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or any grant or avoidance thereof, or any admission, institution, or induction to be made thereupon.

It is proposed to insert a further repeal of so much of the above cited fifth section of the 11 Geo. II., c. 17, as enacts that devises by Papists of advowsons, &c., with intent to secure the benefit thereof to the heirs or family or such Papist, shall be null and void.

It would of course be very improper to introduce any alteration of the penal or restrictive laws against Roman Catholics in a Bill relating to wills, but it is submitted that no alteration of the law for any practical purpose will be effected by a repeal to the extent above mentioned.

The intention of the Act of George II., no doubt, was to prevent devises of advowsons, &c., on secret trusts for Roman Catholics; but that object is sufficiently attained by the concluding sentence of the 5th section, compelling all devisees to make discovery; and to make the devise *void*, and therefore liable to descend to the *heir* (likely to be himself a Roman Catholic,) is unnecessary. The enactment is also imperfectly expressed, for the "heirs or family" of the Papist may not be Papists at all, and yet under this section a devise "with intent to secure the benefit" to them, is void. The provision compelling devisees on secret trusts to make discovery will remain unaffected.

The enactment in question, so far as it is proposed to repeal it, is therefore only a trivial and useless exception to the otherwise universal rule that everything may be devised which would descend to the heir; and on this ground it seems desirable to include it in the repealing Bill.

It is necessary to state the edition of the Statutes referred to, as the folio edition of the Record Commission differs in many instances, as to the numbering both of chapters and sections, from the common quarto edition.

The Acts of 32 Henry VIII., 34 and 35 Henry VIII., and 10 Car. I., (Ireland,) are retained in the list of repeals, in order not to appear to omit any which are specified in the Wills Act; but the enactments in those Acts relating to wills are so mixed up with other subjects, that it is impossible to specify distinctly what parts are repealed; so in reality it is of little use to mention these Acts, as the necessity of examining them critically remains, just as if they were only constructively repealed by being superseded by the Bill, without being mentioned.

In making the list of repeals it has been thought prudent to give the title of the Act, as well as the year and chapter, in order to have a double security for

correctness; how easily errors may creep into references made by numbers alone, may be seen from the long list of instances of such errors collected by Mr. Coode in the First Report, pages 24 to 27; the inconvenient nature of references to Acts by their "short titles" is shown in the same place; only one, however, of the Acts in the present list (the last) has a parliamentary short title.

Sec. III. "And be it further enacted, That it shall be lawful for every person to devise, bequeath, or dispose of, by his will, executed in manner herein-after required, all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the heir at law or customary heir of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to all real estate of the nature of customary freehold or tenant right, or customary or copyhold, notwithstanding that the testator may not have surrendered the same to the use of his will, or notwithstanding that, being entitled as heir, devisee, or otherwise to be admitted thereto, he shall not have been admitted thereto, or notwithstanding that the same, in consequence of the want of a custom to devise or surrender to the use of a will or otherwise, could not at law have been disposed of by will if this Act had not been made, or notwithstanding that the same, in consequence of there being a custom that a will or a surrender to the use of a will should continue in force for a limited time only, or any other special custom, could not have been disposed of by will according to the power contained in this Act, if this Act had not been made; and also to estates pur autre vie, whether there shall or shall not be any special occupant thereof, and whether the same shall be freehold, customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether the same shall be a corporeal or an incorporeal hereditament; and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry; and also to such of the same estates, interests, and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will."

The effect of this section may be given in a form greatly condensed.

Where the custom of a manor permits a husband and wife to surrender the wife's copyhold to the use of her will, neither the 55 Geo. III., c. 192, nor the Wills Act, empower the wife to devise without such surrender. (Doe v. Bartle, 5 B. and Ald., 492; see Sugden on Real Property Statutes, 308.) It does not seem necessary to except such cases by express enactment.

Such parts of this section as relate to copyholds alone will be kept separate from the rest in the Bill, in contemplation of the gradual extinction of copyhold tenure, by which such parts will become obsolete.

With reference to the powers given by this and the 24th sections to a testator to dispose of the whole of his real estate, though acquired after the date of his will, a question may be raised as to dower, which it seems advisable to provide against. The Dower Act (3 and 4 William IV. c. 105.) provides that no widow

shall be entitled to dower out of any lands which have been absolutely disposed of by her husband by his will. But at the time of making that Act a husband, by his will, could only dispose of lands then in his possession; and it may be argued that the extension of the power of disposition in the Wills Act does not deprive the wife of her dower in lands acquired after the date of the will, for before this Act a wife had a clear right of dower in all the land acquired by the husband after the date of his will, and there is nothing in this Act expressly depriving her of it; and there is therefore some ground to contend that this and the 24th section only empower the husband to devise real estate acquired after the date of the will so far as it is *his own*, and not to give away his wife's right of dower. In fact, there is no more reason why a widow, married after the Dower Act, should be deprived of dower in lands acquired by her husband after the date of his will than why a widow married *before* the Dower Act should lose her dower in *any* of her husband's lands under this Act. It is presumed to be the intention of the Legislature that the Dower Act should apply to all lands devised under the new law, and section 3 of the Bill is framed accordingly.

Where there is a lapsed devise, and no residuary devisee, it appears doubtful whether the heir should take the land devised free from dower. This is a case not provided for in terms by the Dower Act, and it seems doubtful whether the land in such a case can be said to be "disposed of by the husband by his will." It seems more in accordance with the general rule that in such a case the widow should be entitled to dower against the heir; on the other hand it may be said that the devise is an expression of intention on the part of the husband that the wife shall not have her dower. This point, however, belongs more properly to the law of dower, and no provision respecting it has been inserted in the Bill.

> Sec. IV. "Provided always, and be it further enacted, That where any real estate of the nature of customary freehold or tenant right, or customary or copyhold, might, by the custom of the manor of which the same is holden, have been surrendered to the use of a will, and the testator shall not have surrendered the same to the use of his will, no person entitled or claiming to be entitled thereto by virtue of such will shall be entitled to be admitted, except upon payment of all such stamp duties, fees, and sums of money as would have been lawfully due and payable in respect of the surrendering of such real estate to the use of the will, or in respect of presenting, registering, or enrolling such surrender, if the same real estate had been surrendered to the use of the will of such testator: Provided also, that where the testator was entitled to have been admitted to such real estate, and might, if he had been admitted thereto, have surrendered the same to the use of his will, and shall not have been admitted thereto, no person entitled or claiming to be entitled to such real estate in consequence of such will shall be entitled to be admitted to the same real estate by virtue thereof, except on payment of all such stamp duties, fees, fine, and sums of money as would have been lawfully due and payable in respect of the admittance of such testator to such real estate, and also of all such stamp duties, fees, and sums of money as would have been lawfully due and payable in respect of surrendering such real estate to the use of the will, or of presenting, registering, or enrolling such surrender, had the testator been duly admitted to such real estate, and afterwards surrendered the same to the use of his will; all which stamp duties, fees, fine, or sums of money due as aforesaid shall be paid in addition to the stamp duties, fees, fine, or sums of money due or payable on the admittance of such person so entitled or claiming to be entitled to the same real estate as aforesaid."

Sec. V. "And be it further enacted, That when any real estate of the nature of customary freehold or tenant right, or customary or copyhold, shall be disposed of by will, the lord of the manor or reputed manor of which such real estate is holden, or his steward, or the deputy of such steward, shall cause the will by which such disposition shall be made, or so much thereof as shall contain the disposition of such real estate, to be entered on the court rolls of such manor or reputed manor; and when any trusts are declared by the will of such real estate, it shall not be necessary to enter the declaration of such trusts, but it shall be sufficient to state in the entry on the court rolls that such real estate is subject to the trusts declared by such will; and when any such real estate could not have been disposed of by will if this Act had not been made, the same fine, heriot, dues, duties, and services shall be paid and rendered by the devisee as would have been due from the customary heir in case of the descent of the same real estate, and the lord shall, as against the devisee of such estate, have the same remedy for recovering and enforcing such fine, heriot, dues, duties, and services as he is now entitled to for recovering and enforcing the same from or against the customary heir in case of a descent."

Not many remarks occur on these two sections, except that they admit of being more concisely expressed; in section 5 there appears no reason why it should be made obligatory on the lord to put the will on the court rolls, unless the devisee requires it; and it seems reasonable that a fee should be paid for doing it. (See sections 5 to 9 of the Bill.)

Sec. VI. "And be it further enacted, That if no disposition by will shall be made of any estate pur autre vie of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of freehold land in fee simple; and in case there shall be no special occupant of any estate pur autre vie, whether freehold or customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party that had the estate thereof by virtue of the grant; and if the same shall come to the executor or administrator either by reason of a special occupancy or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal estate of the testator or intestate."

The subject of this section is principally the descent of an estate pur autre vie in the case of *intestacy*, and has no connexion with a Statute of Wills. But it is necessary to preserve in some form all the contents of this Act, and it would produce some confusion to revive the 12th section of the Statute of Frauds and the 9th section of 14 George II. c. 20., after they have been repealed; and even if that were done the improvement in the law introduced in this section would be lost. It appears, therefore, on the whole that the balance of convenience is in favour of re-enacting the contents of this section. (See sects. 43 to 46 of the Bill.)

It seems advisable to settle the question whether a quasi tenant in tail of an estate pur autre vie can bar the entail by will (see 11 Jarman's Conveyancing, 44, 3rd edition). Section 45 of the Bill declares that he *cannot*, which appears to be the present law, and also most consistent with the law concerning entails generally. The provision, however, belongs to the law of entail rather than to that of wills.

Sec. VII. "And be it further enacted, That no will made by any person under the age of twenty-one years shall be valid."

The depriving an infant father of the power of appointing testamentary guardians of his children has been generally objected to, and seems unreasonable, considering that he retains the power of appointing guardians by *deed* under the 12 Car. II. c. 24. (See H. Sugden on Wills, 6; Sugden on Real Property Statutes, 307.) However, the law, having been once altered, ought not to be re-altered without more serious apprehensions of inconvenience than seem to exist here; the present enactment is therefore retained. (See sect. 10 of the Bill.) As Mr. Jarman observes (1 Wills, p. 36), the power still remaining to appoint guardians by deed goes far to prevent any practical inconvenience from the loss of the power of infant fathers to appoint by will. It has been suggested that the power of infant fathers to make wills should be extended not only to the appointment of guardians, but also to the exercise of powers in favour of their issue (where there is a gift over to a third person in default of appointment), or even further (H. Sugden, Wills, p. 7; Sugden on R. P. Statutes, 306); but the advantage of the present rule being without exception seems to preponderate.

Sec. VIII. "Provided also, and be it further enacted, That no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act."

It seems better to state what are the cases in which married women may make a will. A married woman may make a will—

1st. Of property settled to her separate use.

2ndly. In exercise of powers.

3rdly. When executrix she may make a will appointing executors to carry on the representation to her testator.

4thly. The wife of a husband banished, or transported for life or for a term of years, or who has abjured the realm, and also (it seems) the wife of an alien enemy, may make a will of her real and personal estate. (Sugden, R. P. Statutes, 307; 1 Jarman on Wills, 33; Deerley v. Duchess of Mazarine, Salk. 116; Countess of Portland v. Prodgers, 2 Vern. 104; Ex parte Franks, 1 Moore and Scott, 1. In re Martin, Prerog. Court, 1851. 15 Jurist, 686.)

5thly. A wife may make a will of her personalty with the consent of her husband.

In section 11 of the Bill the first four cases are declared to be the law with little or no alteration; but it seems advisable to take away the power of making a will in the last mentioned case, for the following reasons:—

The power of making a will with the husband's consent, as it now exists, is a privilege of no real value to the wife, inasmuch as the husband can retract his consent at any time during her life, and even after her death, before probate: so that if the effect of the will is in any way inconsistent with the husband's wishes, he can prevent its operation; while, if it is in accordance with them, he may as well be left to carry out those wishes himself.

Further, the power is one not generally known of or valued as a privilege; and no one, it is believed, would complain of its being taken away. Indeed, so

little is it regarded that there seems no sufficient reason even to preserve any rights to women married before the repeal, except as to wills then actually made with the husband's consent.

Again, when wills of this kind, which are contrary to the husband's wishes, are effectually set up, it can only be by an amount of surprise, if not fraud, on the husband, which it is not advisable to encourage. Such a will does not extend to the wife's choses in action, nor does it continue in force after the husband's death; yet those are the only two cases against which this objection could not fairly be urged.

It is also to be considered that questions as to what was consent on the part of the husband lead to litigation, for the consent may be "implied from circumstances." Should it not be thought proper to repeal the power in question altogether, it will be admitted that there should at least be a provision made that the consent of the husband must be signified by his executing the will, and should not be revocable except with prescribed formalities; and this is, in fact, almost an admission that the power should be taken away altogether: for, why not let the husband make the will himself instead? (A late case as to retractation of consent by the husband is Maas v. Sheffield, 1 Robertson, 364.)

Further, the power affords to a dishonest husband, in collusion with his wife, a power of defrauding his creditors by bequeathing away what they might reasonably suppose to be his property.

And lastly, the general rule is to be borne in mind, that it is desirable to get rid of trivial exceptions, which make the law complex, if there is no substantial reason for retaining them.

An attempt has been made to contend that by force of the 24th section a will made by a married woman becomes effective if she survives her husband (Price v. Parker, 16 Sim. 198); but, as Sir L. Shadwell observed in that case, the effect of this section "is not to make that valid which was invalid, but to give a rule for the construction of a valid testamentary instrument." It is believed that no doubt on this point can arise under the language of the new Bill.

With regard to the wife of a felon, &c., the state of the law is not very clear in connexion with such circumstances as transportation of the husband for limited periods, absolute and conditional pardons, &c. (Most of the cases relating to this subject will be found cited in the late case of Coombs v. the Queen's Proctor, 2 Robertson, 547.) The fifth exception, inserted in sec. 11 of the Bill, somewhat modifies the present law. It does not appear necessary to permit the wife to act as a feme sole, except where the husband is civilly dead.

The case of a Queen Consort is not mentioned in this section, and, it is presumed, would not be affected by it. It seems, however, advisable to mention it, to prevent any doubt.

It seems to have been thought possible that the terms of this section reserving to a married woman the power to make such wills as "might have been made by her before the passing of the Act," might be thought to authorize her to make such wills without executing them as required by *this* Act. (H. Sugden, Wills, 320.) As it is now proposed to enumerate the *only* cases in which a married woman can make a will, and not to refer to her former powers at all, no question on this point can arise under the Bill.

Sec. IX. "And be it further enacted, That no will shall be valid unless it shall be in writing and executed in manner herein-after mentioned; (that is to say,) it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary."

(15 & 16 Vict. c. 24. s. 1.) "Where by an Act passed in the first year of the reign of Her Majesty Queen Victoria, intituled "An Act for the Amendment of the Laws with respect to Wills," it is enacted, that no will shall be valid unless it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction: every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid within the said enactment, as explained by this Act, if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will, and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment; but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made."

The great difficulties which have arisen in consequence of the phraseology of the 9th section of the Wills Act, are well known.

"*Foot or end.*" These words have caused very many cases of hardship. As Lord St. Leonards observes, "In order to prevent a fraudulent addition to "any will, a rule has been adopted which has destroyed numerous wills open to "no suspicion, and unless the law is altered that rule will continue to render in- "operative hundreds of wills in times to come. I do not believe (says his Lord- "ship) that the decisions to which I refer have acted upon any but genuine testa- "mentary dispositions; they have not struck at one fraudulent will, nor is the rule "on which they proceed likely ever to do so." (Sugden on Real Property Statutes, 311.)

The Act 15 and 16 Vict. c. 24., which was intended to amend the Act in this particular, has proceeded in a wrong direction, and is not likely to produce beneficial results. The object to be insured is that the signature shall be so

affixed as to be an authentication of the will; and any attempt to enumerate the ways in which it may fairly be said to be so affixed is, even if exhaustive, an inartificial way of effecting the purpose; and if (as in all probability it must be) it does not include all possible cases, it causes hardship, compelling the Judge to reject wills as invalid for not falling within the letter of the law, which would plainly fall within its spirit, if he were at liberty to exercise his judgment in an examination of the document.

The notion of *an intention to authenticate*, is, according to ordinary intelligence, implied in that of "signature"; and if it were not for the existence of the former rule that the name written by the testator himself at the beginning of his will is a sufficient signature, it would perhaps have been sufficient to require the will to be "signed," and to rely on that term as the simplest and least ambiguous that can be used. In consequence, however, of the existence of the rule just mentioned, it appears necessary to use words which shall imply that the signature of the testator shall be by way of *subscription*, and shall only be an authentication of what *precedes* it. Perhaps a direction that the testator shall sign, coupled with the explanation that the signature is to be *for the purpose of authentication*, would have been sufficient; but it has been thought advisable to introduce the word "affix."

"*Signed.*" Cases have occurred in which it has been doubted whether the execution of a will complies with this plain word. It is admitted that a *mark* is a signature, and in Re Hinds (Prerog. Court, 1852, 16 Jurist, 1161) it was decided that *initials* are a signature; but it is possible that other cases of imperfect execution may occur in which it may be difficult to say if the will is "signed" or not. On the whole, however, on the grounds urged in the preliminary notes on the subject of definitions, it is believed that no terms or sentences so likely to effect the intention of the Legislature as "sign" and "signature" can be devised, and that consequently it is best to retain them without explanation or addition.

"*Or by some other person in his presence and by his direction.*" These words are repeated from the Statute of Frauds; but it is submitted that the requisition as to "presence" and "direction" ought to be omitted. Vicarious signing is now an unusual occurrence; but whenever it is resorted to, the words are not needed as a protection, and are likely to be a snare. Since the testator must necessarily acknowledge the signature in the presence of two witnesses, it is quite unnecessary to provide *how* his amanuensis is to subscribe the name; while on the other hand, there is always a risk of a whole will being invalidated, though apparently duly executed and attested, by the production of evidence that the signature was not made "in the presence and by the direction" of the testator, which is here made a kind of condition precedent without which "no will shall be valid."

"*Made or acknowledged.*" It is conceived that (without reference to authorities) the natural construction of these words, taken in connexion with what immediately precedes them, is that the signature, if by the testator himself, is to be *made* in the presence of two witnesses, and if by another person is to be *acknowledged* in the presence of two witnesses. (See Williams on Executors, 74, 4th edition.) The construction put on the words by the Courts is, however, that the testator may *either* sign, *or* acknowledge a former signature; and this is in accordance with the construction put on the word "sign" in the Statute of Frauds. (See in Re Attridge, Prerog. Court, 1848 (13 Jurist, 88), and the cases mentioned in Williams on Executors, as above cited.) Simplicity and some other advantages would be gained if the testator were not allowed this alterna-

tive, and were required always to sign in the presence of the witnesses, except when he signs by an agent; especially as cases occur in which it is not easy to say what is an "acknowledgment." (See the cases mentioned in Williams on Executors, 74, 4th edition; and also in Re Summers, 2 Robertson 295; and in Re Dewell, 17 Jurist, 1130.) On the other hand the practice of *acknowledging* a signature only, in the presence of the witnesses, appears to be common, and many wills would probably be invalidated by requiring actual signature; and it is also borne in mind that it is expedient, if possible, to avoid introducing alterations which will *increase* the difficulty of complying with the law; and on the whole it seems advisable not to alter the law in this respect. (See sect. 14 of the Bill.)

"*Presence.*" The result of the numerous cases in which the question has been, what is to be "present," is not altogether satisfactory; but on the whole it seems inexpedient to attempt a definition of "presence," for the same reasons as are adduced for not defining "signature." It has been suggested with respect to the subscription by the attesting witnesses that the direction to subscribe in the testator's presence should be omitted, and that it would be sufficient to direct that the witnesses should subscribe at such time and in such manner as to be bonâ fide part of the same transaction. (See Real Property Commissioners' Fourth Report; H. Sugden on Wills.) There does not, however, appear to be so much difficulty caused by the present rule as to warrant a change.

"*Witnesses.*" The omission of any enactment that the witnesses are to be "credible," taken in connexion with the 14th section of the Act, has given rise to an opinion that an *idiot* may be a sufficient witness to a will. This opinion seems to be held by Lord St. Leonards (Real Property Statutes, 335), and by Mr. H. Sugden (Wills, 37). It is, however, with deference submitted that the view taken by Mr. Jarman (1. Wills, 102) is more correct; and that the word "witness" implies intellectual capacity; an idiot cannot be a "witness" any more than a brute. The 14th section (as observed by Mr. Jarman) is only intended to relieve witnesses from all legal disabilities to *prove* the will, not to declare that they need not have a personal ability to *be* witnesses. There does not, therefore, appear to be any necessity to restore the word "credible."

Where a testator employs a person to sign for him, it has been doubted whether that person can be a witness (H. Sugden, Wills, 38); but recent cases have settled that he may. (See Williams on Executors, 69, 4th edition.)

"*Attest.*" It is provided immediately afterwards, that "No *form* of attestation shall be necessary;" which means that nothing at all is necessary, not even the word "witness" (Bryan v. White, 2 Robertson, 315; Williams on Executors, 78, 4th edition); and this direction, that the witness shall "attest" has therefore, given rise to some comment. It seems most proper to direct that they shall *attest by signing*. (See sect. 15 of the Bill.)

"*Subscribe.*" There have been some cases as to what is a "subscription," which are collected in Sugden on Real Property Statutes, 336 (see also Noding v. Alliston, 13 Jurist, 712, Prerog. Court, 1849). It seems advisable to use here the same word, "sign," as is used with respect to the execution by the testator; so that at least any decisions as to what is sufficient signature may apply to the case of witnesses also. At the same time, as the construction placed on the word "subscribe," that it does not admit of being done by another hand, was a useful one, (for otherwise a will might practically be written,

signed, and attested, entirely by one person,) the effect of that construction has been retained in the Bill, section 16.

The law relating to the execution of the wills of kings and queens and queens consort (now regulated by the 39 and 40 George III. c. 88.) is not touched by the Wills Act, and such wills therefore still require three witnesses; but, perhaps, it may be thought better, for the sake of uniformity, to require only the same execution as for other wills. (See sect. 22 of the Bill, which contains a provision to that effect.)

> Sec. X. "And be it further enacted, That no appointment made by will, in exercise of any power, shall be valid, unless the same be executed in manner herein-before required; and every will executed in manner herein-before required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity."

It is only "so far as respects the execution and attestation thereof," that this section expressly dispenses with "additional or other forms of execution or solemnity"; "in regard, therefore, to all other matters, though relating "to the quality or the perfection of the instrument, as enrolment, registra- "tion, engrossment on parchment, indentation, or any similar requisite, however "whimsical, the terms of the power must be pursued as before; and this "remark of course applies a fortiori to matters relating to the time or the place "of execution." (Hayes on Conveyancing.)

It has been made a subject of consideration whether it would not be convenient to extend further the principle of this enactment (assuming it to be a beneficial one), by declaring that *any* will, duly executed, shall be a good exercise of any power to be exercised by will, without paying attention to any other requisite imposed by the grantor of the power. But though this would produce simplicity and uniformity, it appears that it would be too considerable an encroachment on the free power of disposition which settlors and others are now supposed to enjoy; especially when it is recollected that under the 27th section any *general* devise operates as the execution of a power; and would render inoperative many reasonable and proper conditions annexed to powers, such as that the will must contain an express reference to the power, and the like. (See secs. 19 and 20 of the Bill.)

There is some difficulty as to the effect of the provisions of this section on the rule of construction that a power to be exercised by any "writing," or other ambiguous word of the same kind, may be exercised by *will*, in cases where the prescribed mode of executing such "writing" is inconsistent with the mode of executing wills under this Act. It has been lately decided that a requisition that the "writing" should be "sealed" is to be taken as an indication that by "writing" the settlor did not mean a will; Collard v. Sampson (Lords Justices, 1853, 17 Jurist, 641), and West v. Ray, (1 Kay, 385, a case on the same will); cases which seem to overrule some previous decisions of a contrary tendency (Buckell v. Blenkhorn, 5 Hare, 131; and Turner v. Turner, 21 Law Journal, 843, V. C. Parker). Now, the question in these cases is, what was the intention of the donor of the power? It is believed that all the cases which have hitherto been decided have arisen on powers created before the Wills Act; and although a settlor may well have meant a will by a "writing under hand and seal," before this 10th section became law, it does not follow that the same words would mean a will after an enactment providing that a will, though

unsealed, should have the same effect as a will sealed. This distinction does not appear to have been adverted to in Collard v. Sampson, and West v. Ray.

No provision, however, on this point is inserted in the Bill, as it belongs to the law of Powers rather than to that of Wills.

> Sec. XI. "Provided always, and be it further enacted, That any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act."

The observations made with respect to the power of married women to make wills with the consent of their husbands (ante, Sec. 8.) apply to a considerable extent to the power here reserved to soldiers and seamen to make nuncupative or unattested wills of personal estate. It is no real boon to them, but the reverse, to encourage them to put off making their wills till the last moment, when a hurried and informal document is produced, which even if the testator has a clear and deliberate intention as to the disposal of his property (which he probably has not), can hardly be expected effectually to express it, so as to insure its performance. The exposure to sudden casualties in these professions, which is supposed to be the reason why special facilities for making testamentary arrangements should be afforded them, is far from being a good reason, for those who know that they are exposed to sudden casualties have less excuse than others for neglecting to make their testamentary provisions in time, and are injured more than others by any law which tempts them to postpone the testamentary act; and it is particularly observable that as regards the wills of petty officers and seamen of the Royal Navy, so far as relates to any pay or other allowances due to them, the provisions of the 11 Geo. IV., and 1 Will. IV. c. 20. section 48., which are expressly preserved by the next section of this Act, so far from being in accordance with the principle that great facilities for making wills are to be provided, contain requisitions for the execution and attestation of wills much more elaborate and difficult of observance than those in this Act. It is therefore proposed that the provisions of the 11th section be omitted, and that henceforth soldiers and seamen be required to make their wills in the same way as other persons.

Further arguments in favour of this proposal are—1. the unreasonableness of allowing such nuncupative or unattested wills to be made of personal estate, and not of real estate, now that it is admitted that in all other cases the two kinds of property should be put on the same footing; 2. the doubtful cases which must arise as to what is being "in actual military service," or "at sea" (see in Re Austen, 2 Robertson, 611, &c.); 3. the consequence (for which no justification exists) that such a will continues valid after the testator has left the service, if *made* under the prescribed conditions (see in Re Leese, Prerog., 1853, 17 Jut 216).

It should not be concealed, however, that the Real Property Commissioners considered the question above discussed, but came to the contrary conclusion, that this privilege of soldiers and seamen should be retained. (Fourth Report, p. 22.)

> Sec. XII. "And be it further enacted, That this Act shall not prejudice or affect any of the provisions contained in an Act passed in the eleventh year of the reign of His Majesty King George the Fourth and the first year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend and consolidate the Laws relating to the

Pay of the Royal Navy," respecting the wills of petty officers and seamen in the royal navy, and non-commissioned officers of marines, and marines, so far as relates to their wages, pay, prize money, bounty money, and allowances, or other monies payable in respect of services in Her Majesty's navy."

This proviso is superfluous, as according to all principles of construction, the Act of 11 Geo. IV. and 1 Will. IV. could not be affected by this Act It was (no doubt) for this reason that the Real Property Commissioners did not think it necessary to insert any clause in their propositions for a new Wills Act providing for the preservation of this Act, though they noticed it in their Fourth Report, p. 22. It is proposed to omit this section from the Bill.

Sec. XIII. "And be it further enacted, That every will executed in manner herein-before required shall be valid without any other publication thereof."

This enactment appears to be superfluous, publication being unnecessary before this Act. (1 Sugden, Powers, 301; 1 Jarman, Wills, 71; Williams on Executors, 71, 75, 4th edition; Warren v. Postlethwayte, 2 Coll. C. C. 108; Vincent v. Bishop of Sodor and Man, 15 Jurist, 369, 1851.) Vice-Chancellor Knight Bruce, in the last mentioned case, observed, "I do not understand what publication means. A will is published when it is made. The word 'publish' is useless or superfluous, or of no meaning." It is therefore proposed to omit any declaration that publication is unnecessary.

It seems, however, to have been thought that this section was intended to imply that a testator may effectually execute a will before witnesses who are not aware that it is his will, or who are even falsely informed that it is not a will. (See H. Sugden on Wills, 140; Hayes on Conveyancing, 365, 5th edition.) The Real Property Commissioners in their Fourth Report also say that it will be unnecessary to let the witnesses know that they are attesting a will. It can hardly be supposed that there was any direct intention of encouraging any such concealment by the words of this section, for on principle it is certainly right that the witnesses should be informed that the instrument of which they are called upon to witness the execution is a will, and deception on such a point is even inconsistent with the idea of "witnessing;" but it has not been thought advisable to insert any direct enactment requiring that the witnesses should be aware of the nature of the act they are performing, by reason of the risk of depriving genuine wills of their validity, which would be incurred by making them depend to such an extent on the intelligence and memory of the witnesses.

Sec. XIV. "And be it further enacted, That if any person who shall attest the execution of a will shall at the time of the execution thereof or at any time afterwards be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid."

This section has been supposed to support the notion that idiots and lunatics may now be sufficient witnesses to a will. (See ante, note on section 9.) Such a view, it is submitted, is quite erroneous; but to prevent doubt, the 17th section of the Bill is so expressed as not to permit such a doubt to be raised.

This section leaves the general law of evidence untouched except so far as to insure that no rule of evidence shall invalidate the attestation by the

witnesses; but the 17th section alters the general laws of evidence with respect to the testimony of an executor; and if the proposed alteration with respect to legacies to attesting witnesses (see next section) is adopted, it will be necessary to extend the provisions of the 17th section to all cases. (See accordingly section 17 of the Bill.) It would be more satisfactory to make whatever alterations are necessary or proper in the law of evidence in a general manner, and not with reference to wills alone; but the nature of the present Bill does not admit of this.

> Sec. XV. "And be it further enacted, That if any person shall attest the execution of any will to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment, of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts), shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will."

This section is an extension of the principle on which the Act 25 George II. c. 6. is founded (which only applied to legacies given in wills affecting real estate); but it is a question whether it would not be more proper to abrogate the rule altogether, and to permit legatees to be witnesses, and witnesses to be legatees in all cases.

Although this proposal may at first seem dangerous, as removing an important protection to testators and their families against fraud and undue influence, yet it is submitted that it is justified by the following considerations. It will be admitted that it is only as a protection against improper practices that the rule is of any value, and that in all other cases its action is at least unnecessary, if not oppressive. But on consideration it appears that the supposed protection, even in the cases referred to, is in reality of very little value, and for this simple reason—that persons who are capable of obtaining wills to be made in their favour by improper means are not likely to defeat their own object by attesting the execution themselves. The enactment therefore is no protection against such dishonest persons, except indeed in the rare cases of their being unable to procure any other persons to be attesting witnesses, or of their being ignorant of the rule of law in question; neither of which, though possible, is entitled to much consideration, as persons capable of planning and perpetrating frauds of this kind are not likely to be unprepared or uninformed on such points; at any rate, after allowing their full weight to these exceptions it is submitted that the balance of inconvenience is still greatly against the present rule.

For, on the other hand, it is to be observed, first, that where persons *do not know* that they are legatees, their testimony for the purposes in question is as completely disinterested as if they were not legatees; and yet it is only in the cases where they do not know the fact that they are objects of the testator's bounty, that legatees are at all likely at present to despoil themselves by consenting to be attesting witnesses; secondly, that for one case in which fraud is prevented or punished by this rule, there are at least a hundred in which the legitimate wishes of the testator are defeated by it, and hardship inflicted on

innocent legatees; and thirdly, that where a testator has made provision for all his family and household, there is often real difficulty in finding any one to attest the will, or real risk of the testator asking some legatee to do so, forgetting that he takes an interest under the will, perhaps as one of a class, or in remainder. To these considerations it may be added that the rule is by no means in accordance with the principles of evidence now in favour; and also that the protection against fraud is very imperfect so long as the supposed fraudulent legatees have power (as they now have) to give evidence as to the *capacity* and *free action* of the testator, provided only they can get two strangers to attest the execution.

On the whole, therefore, the rule appears oppressive in a vast majority of cases, and of little beneficial effect in the remainder; it is therefore proposed to omit it from the Bill, and to permit attesting witnesses to be legatees. (See sects. 17 and 18.)

Should this alteration be thought too sweeping, the harsh effect of the rule may at least be diminished by providing that only legacies to persons *expressly named* shall be void, so as to save the legacies of members of a class, &c.; also by saving the legacy of an attesting witness where his attestation was superfluous, there being two others, (Doe v. Mills, 1 Moody and Rob. 288; Wigan v. Rowland, 17 Jurist, 910, V. C. Wood.) It will also be advisable, if any part of this section is retained, to settle whether a legacy to an amanuensis who signs the will for the testator should not be void, as the same reasoning applies to him as to an attesting witness; also to provide for the case of an executor attesting witness becoming entitled beneficially to the undisposed-of residue, in default of next of kin; and for the case of a legatee attesting witness who is also one of the next of kin; and other cases requiring consideration would probably present themselves in the course of framing any modification of the present section.

> Sec. XVI. "And be it further enacted, That in case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged, shall attest the execution of such will, such creditor notwithstanding such charge shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof."

Assuming that the alteration of the law recommended at section 15 is adopted, this section becomes unnecessary.

"In the passage of the Bill through Parliament one member of section 16 seems to have dropped out." (Hayes on Conveyancing, 371, 5th edition.)

> Sec. XVII. "And be it further enacted, That no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof."

See note at section 14.

> Sec. XVIII. "And be it further enacted, That every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, customary heir, executor, or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions)."

There seems no sufficient ground for inserting the exception in this section, to counterbalance the inconvenience of having a trivial exception to a general rule. There is also the possibility of the following question arising under this section. A will is now an exercise of all powers vested in the testator at his death; but is a will made before marriage to be a good execution of such a power as that mentioned in the exception, given after marriage? (See note on sec. 24.)

It is proposed to omit the exception. (See sect. 24 of the Bill.) The Real Property Commissioners (Fourth Report, 14th proposition) recommended that the will of a husband should not be revoked by marriage or the birth of a child; but the rule established by this section seems a reasonable one, and has the advantage of being simple.

A question arises on this and several of the following sections relating to revocation; whether they relate exclusively to the revocation of wills made since 1837, or extend to the revocation of wills made before 1838 also, provided the revoking act is performed after 1837? From the words of the 34th section it would seem that wills made before 1838 are in no way affected by the provisions of the Act, either as to their making or their revocation; and it has been so held in Re Shirley (2 Curt. 657; Williams on Executors, 167, 4th edition); nevertheless it has been very generally considered that the sections as to revocation apply to *all* wills. (See the 3rd edition of Williams on Executors, 146.) There certainly does not appear any objection to making the Act retrospective to this extent. (See accordingly sect. 48 of the Bill.)

> Sec. XIX. "And be it further enacted, That no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances."

This section is not founded on any recommendation of the Real Property Commissioners; it does, however, appear that doctrines are entertained in the Ecclesiastical Courts which make some declaratory enactment of this kind necessary. (See Williams on Executors, 161—166, 4th edition.) Its place should rather be after the enumeration of all the acts which do amount to a revocation. (See sec. 27 of the Bill.)

> Sec. XX. "And be it further enacted, That no will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner herein-before required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is herein-before required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same."

"*Some writing declaring an intention to revoke, and executed as a will,*" is a will. It is not necessary to specify this.

"*Burning, tearing, or otherwise destroying.*" On these words it has been held that cancellation is not sufficient (Stephens v. Taprell, 2 Curt. 458; Re Fary, Prerog. Court, 1851, 15 Jurist, 1114); and also that partial tearing is not a revocation of the whole will, so that parts of the will may be revoked by partial tearing. (See Clarke v. Scripps, 2 Robertson, 563.) There have also been many cases on the corresponding words in the Statute of Frauds, "burning, tearing, cancelling, or obliterating." *Cancellation* was intentionally omitted from this section; (see

the next section.) The words used by the Real Property Commissioners (Fourth Report, proposition 10) are "burning, *cancelling*, or tearing"; but it is not to be inferred that the propositions are in the exact terms which the Commissioners would have finally fixed on if they had been required to prepare a Bill. Seeing the points of difficulty which must arise on such words as "tearing," or any other words descriptive of special modes of destruction, and having reference to the considerations stated in the preliminary note on definitions, it is proposed to use the word "destroy" only.

"*In his presence.*" This requisition may be inconvenient where the testator has deposited his will in the custody of his attorney or other agent, as it debars him from sending instructions to destroy it. Under the Statute of Frauds it has been held, in such a case, that instructions in writing to destroy are a sufficient revocation, even if the direction has not been complied with. (Walcott v. Ochterlony, 1 Curt. 580; 1 Jarman on Wills, 155.) It has been made a subject of consideration, therefore, whether the words "in his presence" may not be safely dispensed with; but, on the whole, as the revocation of wills by destruction is open to great abuses, which require to be carefully guarded against, and as it is not much more difficult to make a short revocatory will than to send written instructions for the destruction of the former one, and as it is far more desirable that wills should be revoked by new wills, which are positive, than by destruction, which is only negative, it seems best to retain the provision.

Where wills have been executed in duplicate, it appears that the destruction of one part is, primâ facie, assumed to be a revocation. (H. Sugden, Wills, 43.) The Real Property Commissioners, though they notice the possibility of such a case (Fourth Report, p. 25), make no suggestion respecting it in the propositions. Considering the inconveniences of allowing a will to be invalidated by evidence that a duplicate of it existed and had been destroyed, it seems advisable to declare that where there is more than one part all must be destroyed. (See Sec. 25 and 26 of the Bill.)

> Sec. XXI. "And be it further enacted, That no obliteration, interlineation, or other alteration made in any will after the execution thereof shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as herein-before is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will."

Lord Cranworth has observed that there is "great difficulty in understanding" this section. (See Simmons v. Rudall, 15 Jurist, 162; 1 Sim. N.S., 115.) The first sentence appears at first sight to imply that an unattested alteration shall have effect, if the effect of the will before the alteration is not apparent; as if it had been the intention of the Legislature to make effectual obliteration of the old words equivalent to an effectual attestation of the new; the real meaning, however, appears to be only to declare (what did not require a legislative declaration) that if the obliteration is so complete that the former words are not apparent, it must necessarily have *some* effect, namely, that of taking some words out of the will which cannot be supplied. (H. Sugden, Wills, 322; Hayes on Conveyancing, 380, (note) 5th edition.) It has, however, been decided that the word "apparent" authorizes the production of parol evidence to show what were the words before the obliteration. (Brooke v. Kent, 3

Moore, P. C., 334; Re Reeve, 13 Jurist, 370; Prerog. Court, 1849). It seems best not to make any special provision respecting a cancellation which leaves writing absolutely illegible, but to leave the case to be governed by the general rules relating to the secondary evidence admissible to prove the contents of wills.

Though Lord St. Leonards says that "his inclination in general cases would be that alterations are made before execution" (Real Property Statutes, 341), yet it seems to be now established that the presumption is the other way—that they are made after execution; which presumption may, however, be rebutted by parol evidence; (see Williams on Executors, 109, 4th edition; Keigwin v. Keigwin, 7 Jurist, 840, Prerog. Court, 1843; Cooper v. Bockett, 4 Moore, P. C. C., 419; Simmons v. Rudall, above cited; Re Rushout, Prerog. Court, 1849, 13 Jurist, 458; Doe d. Shallcross v. Palmer, 16 Q. B. Rep., 747; Gann v. Gregory, V. C. Stuart, 1853; 22 Law Journ. 1059;) it is, however, perhaps advisable to insert a declaratory enactment to that effect. (See sec. 23 of the Bill.)

The remaining part of this section appears to be little more than an imperfectly expressed declaration that a testator may alter his will if he pleases after execution, provided such alteration be duly executed and attested, as a new will or codicil; which in fact it is. It does not seem necessary to repeat this enactment.

> Sec. XXII. "And be it further enacted, That no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner herein-before required, and showing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown."

This section appears to be objectionable. The effect of it is, that though a revocatory will has been itself revoked by destruction, secondary evidence of its contents may be produced in order to show that the first will is revoked. (See Stride v. Sandford, 17 Jurist, 263, Prerogative Court, 1853.) This is contrary to good policy, as allowing an unsafe amount of parol evidence in testamentary matters, and is also believed to be contrary to the ordinary feeling and opinion of mankind in such cases; for it can hardly be doubted that where a testator leaves behind him a formal will, and has destroyed or revoked all subsequent wills or codicils altering or affecting it, his intention was that the first will should continue in force.

The abstract question whether, according to strict principles of construction, the revocation of a revocation does or does not revive the original document, it is not necessary to consider here; in common language, the same terms are used with both meanings, and the intention is guessed from the nature of the subject.

It is particularly to be observed that this section is not founded on any recommendation of the Real Property Commissioners, who, on the contrary, observe, as a conclusive argument against the propriety of such an enactment, that unless the revocation of a revoking will is allowed to be a revival of the former will, "wills might be defeated by parol evidence that subsequent wills had been made and destroyed." (Fourth Report, p. 34.)

As to the latter part of this section, providing that "when any will which "shall be partly revoked and afterwards wholly revoked shall be revived, such "revival shall not extend to so much thereof as shall have been revoked before "the revocation of the whole thereof," see the preliminary note on Enacting Principles of Construction. It is impossible to say beforehand whether a provision of this kind will aid or counteract the real intention of testators, and it is therefore better omitted.

On the whole, considering that what has been above termed the natural principle of construction, namely, that the revocation of a revocation revives the original document, is a simple and intelligible principle, and one on which testators most probably rely when they revoke revoking instruments; and that the decided cases on the subject of revocation and revival have not established any principle which it seems necessary to negative; it seems advisable to omit the contents of this section altogether, and to leave the questions it is intended to provide for to be construed on their own merits, and on general rather than particular rules of construction.

> Sec. XXIII. "And be it further enacted, That no conveyance or other Act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an Act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death."

> Sec. XXIV. "And be it further enacted, That every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will."

It is convenient to consider these two sections together.

The object of the 23rd section was to prevent the ademption of specific gifts by any change of the estate of the testator therein; of the 24th, to make all residuary gifts include the whole estate of the testator at the time of his death. The language of these two sections has, however, given rise to some opinions as to their construction not consistent with the probable intention of the Legislature. Thus, it has been suggested (1 Jarman on Wills, 289) that if a testator, having a house in Grosvenor Square, devises it by the description of "my house in Grosvenor Square," and afterwards sells that house and buys another house in the same square, the latter house would pass by the devise, under the 24th section. It is submitted, with great deference, that such a construction of the Act would not be correct, and the case of Emuss v. Smith (2 De Gex and Smale, 722,) seems to be an authority against it, as also is the opinion of Lord St. Leonards (Real Property Statutes, 366); but it is certain that the intention of the Legislature admits of being more clearly expressed. It is proposed to enact that all specific gifts shall apply to whatever estate the testator may have at the time of his death in the object referred to by him; and that in respect of all residuary property the will shall speak at the death. (See sections 28 and 29 of the Bill.)

Difficulty in saying what is a specific gift must arise in many cases, but it seems hopeless to attempt more than to express the general principle as plainly as possible. No definition can be framed which will meet all the variations of language from which inferences one way or the other may be drawn in particular

cases. For instance, no general expression could have been devised which would, with certainty, have provided that a devise of "the lands of which I am now seised" (Cole v. Scott, 1 Macnaghten and Gordon, 518) shows a "contrary intention" to this 24th section, while a devise of "the lands of which I am seised," (Doe v. Walker, 1 Meeson and Welsby, 591) does not.

It has been contended that by force of the word "interest" in the 23rd section a devisee of an estate which the testator afterwards contracted to sell becomes entitled to the purchase money (H. Sugden, Wills, 54); but this doubt appears to have been set at rest by the cases of Farrar v. Earl of Winterton (5 Beavan, 1); Moor v. Raisbeck (12 Simons, 123); Saunders v. Cramer (3 Drury and Warren, 87).

It does not appear to be so clear what would be the effect of the testator making a *conditional* contract of sale, dependent on the option of the purchaser. Lord St. Leonards says (Real Property Statutes, 358), that "the estate, unless devised specifically, would not remain with the devisee, but the produce of it would go to the residuary legatee or next of kin." It is, however, submitted that the estate being devised specifically can make no difference in this case; and it would seem that in any case, if the option is exercised, the produce must be considered as part of the personal estate of the testator. If the option is not exercised, the estate will belong to the devisee, both by force of the words of the 23rd section and in accordance with the old law. (Sugden, V. and P., 203). It does not, however, seem expedient to provide expressly for this point; if it arises, it must be decided on the general law as to the revocation of devises.

It seems proper to provide expressly that a specific devisee of an undivided share in land, of which a partition is afterwards effected by the testator, shall be entitled under the devise to the land taken in severalty. The present law on the subject is not very clearly ascertained; it is said that a partition is not a revocation, at least in equity (1 Jarman on Wills, 134); but it is, perhaps, only as to an undivided moiety of the land taken in severalty that the devise continues effectual; and at any rate there is sufficient uncertainty to make it advisable to insert a specific declaration of the law on the subject. (See sec. 32 of the Bill.) It has been suggested that he ought also to have the benefit of any exchange (see Mr. Bacon's Communication to the Real Property Commissioners, Appendix to First Report); but this does not appear so desirable, as exchanges effect a complete change in the subject of the devise, which a partition does not. As to lands allotted after the date of the will in lieu of common or other rights appurtenant to lands specifically devised, they ought, in accordance with the principle now established, to go with the land; and a provision to that effect is inserted in the Bill (sec. 33), but with some hesitation.

Another more difficult point is, whether, if a testator expressly bequeaths a term of years, and afterwards acquires the fee of the property, the fee shall pass to the legatee. It seems that this must depend on whether the property is given by words descriptive of the *estate* of the testator, as, "my leasehold property at A," or words descriptive of the object itself, as "my farm at A." (See Emuss v. Smith, 2 De Gex and Smale, 722; and see also the preliminary note as to Enacting Principles of Construction.) The 28th section of the Bill is intended to meet this difficulty.

The following is another important point which arises on the 24th section. It has been decided by Sir L. Shadwell (Stillman v. Weedon, 16 Sim. 26), and appears not to be doubted (see H. Sugden, Wills, 86; Sugden on Real Property Statutes, 370), that a will is now an exercise of a power of appointment conferred after the date of the will. Now, it is submitted that in the case of a power it is the wish and intention of the *donor* of the power that is entitled to the first consideration; and it is scarcely probable that a settlor, in giving to any one a power to appoint property by will, can mean that it should pass by an appointment contained in a will *already made*, and which in truth refers to other property. This consideration becomes very important, since, by the 27th section, a general devise or bequest now operates as an execution of all general powers of appointment. It seems more proper, and in the new Bill it is accordingly proposed to provide that a will shall not operate as an exercise of any powers, except such as were conferred before it was made. (Section 39 of the Bill.)

Although the 24th section enacts that a will as to real estate shall speak at the death of the testator, it leaves unaffected the former rule, that all devises of real estate, though in terms general or residuary, are specific; and questions of much difficulty arise as to whether the new law alters by implication all the effects of the old rule. (See 2 Jarman on Wills, 547, and a paper in 14 Jurist, part 2. p. 234.) The principal points are—1st, whether in the administration of assets any distinction is now to be made between the residuary devisee and the specific devisee, in analogy to the law as to personal estate; and 2ndly, as to the effect of lapse. As regards the latter point, the question has been considered whether it would not be convenient to declare generally, that lapsed devises fall into a residuary devise in the like manner as lapsed bequests fall into the residue of the personalty; but on the whole, it seems more advisable to confine the enactment to the terms of the 30th section of the Bill.

As to the former point, the change effected by the Wills Act certainly disturbed the principle which was the foundation of the existing rule as to the order in which assets are to be marshalled; and it has been made the subject of consideration whether it would not be advisable to introduce a declaratory enactment fixing the order of the administration of the whole estate. Such an enactment would certainly be convenient, and might be made the opportunity of introducing some simplification in the law, besides making it more clear; for distinctions have been made in some cases of which the importance is not very apparent: as for instance in the late case of Fleming v. Buchanan, before the Lords Justices (1853, 22 Law Journal, 886), in which it was held that although real estate over which a testator had a general power of appointment is liable to his simple contract debts, it is not liable pari passu with real estate vested in him, but only after the latter is exhausted.

On the other hand, such an enactment is somewhat out of place in an Act concerning Wills, and would fall into a different chapter if any general and systematic revision of the law were to be undertaken. On the whole, considering that the Bill now submitted is only a specimen of a proposed revision, and consequently should presume the probability that the law on other subjects will be revised also, it seems more proper not to insert such a declaratory enactment; though, under other circumstances, if there was no prospect of having an opportunity of introducing it elsewhere, it might be expedient to attempt it.

Were such an enactment determined on, the following order, taken with some modifications from the statement of the present law in 2 Jarman on Wills 546, might be adopted:—

1. The general personal estate not expressly or by implication exempted.

2. Real estate expressly devised for the payment of debts, whether a freehold interest or a chattel interest created for that purpose.

3. Real estate undisposed of by the will.

4. Personal estate expressly charged with the payment of debts, and then specifically bequeathed, subject to such charge.

5. Real estate expressly charged with the payment of debts, and then specifically devised subject to such charge.

6. General pecuniary legacies.

7. The general residuary real estate.

8. Personal estate specifically bequeathed.

9. Real estate specifically devised.

It would also be advisable to provide that there should be no distinction between property devised or bequeathed and property appointed in exercise of a general power.

> Sec. XXV. "And be it further enacted, That, unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will."

A point is raised by the terms of this section which requires consideration; namely, as to the destination of *charges* on real estate which lapse or become void. (See 1 Jarman on Wills, 309; Sugden on the Real Property Statutes, 368.)

The former writer considers that in such a case the charge will not sink into the estate, but will be raisable for the benefit of the residuary devisee; adding, however, that such a result "would in general ill accord with the actual intention;" though "the disappointment of intention in this particular case may well be endured for the sake of the convenience of a general rule." Lord St. Leonards only observes that the question is one "of much difficulty," but suggests no solution of it.

These are cases in which we cannot say beforehand with any confidence what enactment is most likely to effectuate the intentions of testators in unforeseen circumstances; but perhaps it is generally the intention that the specific devisee should have the benefit of the lapse or failure of the charge; and it is proposed to introduce an enactment to that effect, which is also in accordance with the established rule, that where land is charged on a contingency, which does not

happen, the charge sinks for the benefit for the devisee, (1 Jarman on Wills, 301). As to personalty, it appears that a contrary rule now exists; but as it is undesirable to have different rules for real or personal property, it is proposed to make the enactment applicable to both. (See section 31 of the Bill.)

> Sec. XXVI. "And be it further enacted, That a devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a customary, copyhold, or leasehold estate if the testator had no freehold estate which could be described by it, shall be construed to include the customary, copyhold, and leasehold estates of the testator, or his customary, copyhold, and leasehold estates, or any of them, to which such description shall extend, as the case may be, as well as freehold estates, unless a contrary intention shall appear by the will."

The effect of this section is retained in sect. 34 of the Bill, but expressed rather more generally and more concisely. The declaration that a general devise shall extend to those cases where it "*would* describe customary, copyhold, or leasehold estate, *if* the testator had no freehold estate which could be described by it," referring the construction of wills under this Act to the rules of construction existing as to wills made before the Act, is not a convenient or simple way of enunciating the law. For a case of difficult construction under this section see Wilson v. Eden (11 Beavan, 237; 5 Exchequer Reports, 752; and 21 Law Journal, Q. B., 385), in which the devise was of "all my manors, lands, &c., and *all other my real estates*." No provision, however, can be framed so as to prevent the occurrence of difficulties of this kind.

It is not necessary to provide that copyholds shall pass under a devise of "real estate." (See 1 Jarman on Wills, 613.)

It is to be observed that neither this section nor any of the subsequent ones to the 31st inclusive (being chiefly enactments of rules of construction) are recommended by the Real Property Commissoners in the Propositions annexed to their Fourth Report.

> Sec. XXVII. "And be it further enacted, That a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal property described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will."

Some of the observations on section 24 apply also to this section. It is submitted that a will should not be allowed in any case to be an exercise of a power not in existence at its date.

The ground on which a general devise may be allowed to be an exercise of a power seems to be this; that an intention to exercise it is to be presumed—

a presumption which it is hardly legitimate to admit if the power was not in existence when the will was made. As already observed, it is the wishes and intentions of the donor of the power that are to be first considered in these cases; he has himself pointed out who he wishes to have the estate if the power is not exercised, and it is a fraud on him to allow a previous will, which could not have been made with reference to his settlement, to have any effect upon it.

It has been made a subject of consideration whether the principle of this enactment might not be extended to limited powers of appointment, (provided of course that the devise be made to the proper objects,) or at least to powers of appointment to the issue of the testator, where the property would not go to them in default of appointment. Such a protection of the interests of children would certainly not be a stronger measure than the exception, in the 18th section, from revocation, even by marriage, of wills executing such powers of appointment as are there specified. But on the whole, the circumstances connected with the execution of limited powers, and the objects of them, are so various, that it does not seem practicable to frame any rule which is not as likely to defeat the intentions of testators in some cases, as to assist them in others.

It is admitted that a general power limited to the survivor of several may be well exercised before survivorship under this section, (Sugden's Real Property Statutes, 370;) and some attempts which have been made to exempt particular cases from the effect of this section, as in Harrington v. Harrington (13 Sim., 318); Cloves v. Awdry (12 Beavan, 604); in Re Spooner (V. C. Kindersley, 1851, 21 Law Journal, 151); Turner v. Turner, (V. C. Parker, 1851, 21 Law Journal, 843); and Lake v. Currie (2 De Gex, Macn. and Gor., 536,) have not been successful.

> Sec. XXVIII. "And be it further enacted, That where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will."

With reference to this section, see the general observations prefixed as to enacting principles of construction. It may be admitted that the rule, that a gift without words of inheritance gave only an estate for life, generally defeated the intention of the testator; it is therefore proposed to retain the effect of this enactment, with respect to gifts of the property of the testator (section 35 of the Bill); but an important class of gifts, namely, gifts of annuities or rent charges, appears to have been overlooked by the framers of the Act, for as to these it is certain that the intention of testators generally is to grant them for life only. It is said to be the presumption of law that annuities are given for the life of the donee only, but there are cases in which that presumption does not seem to have been kept steadily in view, (they will be all found collected in two papers in the Jurist, vol. 16, part 2, p. 156, and vol 17, part 2, p. 82,) and as regards rent charges in the nature of real estate, charged by the testator on his estate, though this section might be supposed to make them perpetual, it has been lately decided by V. C. Wood in Nicholls v. Hawkes, (22 Law Journal, 255,) that it is not so, and that this section does not apply to estates created by a testator.

In accordance with this decision, and with what is believed to be the general intention of testators, it is proposed to declare that the presumption as to all

annuities and rent charges, whether charged on real estate or not, is, that they are for life only. (See sec. 36 of the Bill.)

Though the Real Property Commissioners did not recommend this section in their Fourth Report, there is a suggestion of it in their First Report, p. 58, where they also suggest an alteration of the rule in Shelley's case, so as to enable the heirs of a devisee for life, with remainder to his heirs, to take as purchasers. Such an enactment would no doubt prevent the failure of a testator's intention in many cases. It is not, however, ventured on in the Bill.

> Sec. XXIX. "And be it further enacted, That in any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: Provided, that this Act shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue."

See the preliminary observations as to enacting rules of construction. This section certainly has prevented the failure of the intention of testators in many instances; but it would seem that it goes too far, or rather that its terms effect more than the Legislature intended. The creation of estates tail by will is greatly curtailed by this section; a devise to A in fee, and if he die without issue to B, does not now create an entail, but gives the fee to A, with an executory limitation to B, in the event of A *leaving* no issue *at his death*. So a devise to A for life, and, if he die without issue, to B, does not now give an estate tail to A, but an estate for life, with a contingent remainder to B. There seems no sufficient reason for these alterations; the professed object of the section was to prevent gifts being void for remoteness. It has been suggested that this section should not have applied to real estate at all. (See Sugden, Real Property Statutes, 374.) Sec. 37 of the Bill has been framed on the assumption that the object of this enactment is merely to prevent gifts being void for remoteness.

The following are the principal cases containing points arising under this section:—Harris v. Davis, 1 Collyer, C. C. 416; Re O'Bierne, 1 Jones and Latouche, 352; Green v. Green, 3 De Gex and Smale, 480; Mortimer v. Hartley, 3 De Gex and Smale, 316, 6 C. B. Rep. 819, 6 Exchequ. Rep. 47; Morris v. Morris, Rolls, 1853, 17 Jurist, 966.

> Sec. XXX. "And be it further enacted, That where any real estate (other than or not being a presentation to a church) shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication."

Sec. XXXI. "And be it further enacted, That where any real estate shall be devised to a trustee, without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied."

"These clauses are singularly framed, and are open to much observation.' (Sugden on Real Property Statutes, 380.) "It is not easy to perceive why "the provision regulating the estates of trustees should have been split into "two sections, and still more difficult is it to give to each of those sections "such a construction as will preserve it from collision with the other." (2 Jarman on Wills, 229; see also H. Sugden, Wills, 127.)

Without entering into a detailed examination of these sections, it is evident that they do not contain any very simple rule. It is believed that the rule which would be at once the most simple and the most convenient would be to declare that gifts to trustees should be construed on exactly the same principles as beneficial gifts in all cases. It was justly remarked by Mr. Tyrrell, that "the trouble of procuring a trustee to join in a conveyance, or of making him "a party to an action, is of much less importance than the difficulty of "ascertaining whether an estate has determined" (Appendix to First Report of Real Property Commissioners, 561); and the facilities now afforded for getting the legal estate out of trustees who are under disabilities or cannot be found, remove many of the reasons which might formerly have made it a practical benefit to extinguish as soon as possible the estates of trustees. (See accordingly sect. 41 of the Bill.)

Sec. XXXII. "And be it further enacted, That where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail shall die in the lifetime of the testator leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.'

It is proposed to retain the substance of this section, though with some hesitation, as being inconsistent with the rule that "heir" is a word of limitation. Some defects in the expression, however, require to be remedied.

1. From the words, "and any *such* issue shall be living at the death of the testator," it has been doubted whether the issue, living at the death of the testator must not be the same as that living at the death of the devisee (H. Sugden, Wills, 113.; though Lord St. Leonards (Real Property Statutes, 383) says "this, no doubt, was not the intention of the framers of the Act, and the "Courts would probably struggle effectually to read the words . . . . as "including any issue who would be inheritable under such entail." (See also 1 Jarman on Wills, 312.)

2. It has also been suggested that where a testator devises "to his first and other sons successively in tail," this section would give nothing to the issue in tail of an eldest son who should die in the testator's lifetime; for he would not be the eldest son at the testator's death, and there would therefore be no devise

to him at all. Or if there were a devise to all the testator's children equally in tail, the issue of a dead child would take nothing; for there would be no devise to any child except those living at the testator's death. (See H. Sugden, Wills, 342. Hayes on Conveyancing, 407, 5th ed.) If such is the proper construction of this section, it is probably contrary to the intention of the Legislature.

Again, a question may be raised as to whether this section does not make the estate subject to the debts and contracts and the dower of the wife of the deceased devisee in tail, as if the estate had vested in him.

These points have been kept in view in framing section 40 of the Bill. Being an enactment at variance with a number of established principles, great difficulty has been felt in effecting the intention in an abstract and concise form; the expression will probably appear obscure, but it is believed that it will be found adequate to meet all cases when they arise. The claims of the widow and other persons who might have become entitled if the devisee in tail had survived the testator, are excluded, though perhaps good reasons might be urged for preserving them. No certainty can be felt as to the propriety of enactments of this kind.

> Sec XXXIII. "And be it further enacted, That where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will."

As to this section, see Johnson v. Johnson, 3 Hare 157; Winter v. Winter, 5 Hare, 313; Mower v. Orr, 7 Hare, 473; Wild v. Reynolds, 5 Eccl. and Maritime Cases; 1 Jarman on Wills, 314, and vol. 2. p. 726.

This section in its present form, making the gift pass by the will of the deceased issue (Johnson v. Johnson), has, it is believed, been condemned by all who have had occasion to consider it, and probably was not intended to have the effect which it has had; the only question therefore that it is important to consider is, whether the principle shall be so far retained as to enact that the gift shall take effect as if the child had died *intestate* immediately after the testator.

It is submitted that it is not advisable to retain the enactment at all; the provision in the 32nd section is carrying the attempt to provide for the destination of lapsed gifts quite as far as it can safely be carried, though there is some justification for that enactment in the circumstance that an entail is commonly thought of as a series of limitations for life, and therefore a testator may be supposed to think that the death of the first taker would not affect his will; but there is no such reason to be alleged in the case of other devises and bequests; and considering that even the advocates for the retention of this clause would admit that a new will had *better* be made in the event of the death of a child, the limit at which it is, on the whole, for the public advantage that negligence or indolence in testators should be discouraged, even at the risk of some individual cases of hardship, seems to have been reached at this point. This section is therefore not repeated in the Bill.

It has been decided that this section (notwithstanding the 27th section) does not extend to appointments by an ancestor. (Griffiths v. Gale, 12 Sim. 327.)

Should it be thought advisable to retain any part of this section, the case of appointments should be kept in view.

This section "is not, like the preceding clause, open to any doubt as to the "class of issue who must be living at the death of the testator in order to pre- "vent a lapse, for it expresses what, looking at the object of the framer, it was "no doubt intended to express, that some of the issue living at the death of the "devisee or legatee must also be living at the testator's death." (Sugden, Real Property Statutes, 384.) The difficulty, however, suggested under the preceding section, as to the effect of a gift to children as a class, applies also to this section.

> Sec. XXXIV. "And be it further enacted, That this Act shall not extend to any will made before the first day of January one thousand eight hundred and thirty-eight, and that every will re-executed or republished, or revived by any codicil, shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, republished, or revived; and that this Act shall not extend to any estate pur autre vie of any person who shall die before the first day of January, one thousand eight hundred and thirty-eight."

This section omits to state when the clauses relating to revocation are to come into operation; whether they are to apply only to the revocation of wills made under the Act, or to all Acts of revocation after 1837. The former construction appears to be the correct one (see note at sect. 18); but the contrary would appear a more desirable enactment. (See accordingly sect. 48 of the Bill, and sect. 2 of the Repealing Bill.)

> Sec. XXXV. "And be it further enacted, That this Act shall not extend to Scotland."

See sect. 50 of the Bill. It has been decided that this Act does not extend to the colonies. (In Re J. Smith, 2 Robertson, 332.)

No provision as to the colonies is inserted in the Bill.

Additional Clause.

If legislation as to any points of construction except those affected by the Wills Act, is thought advisable, the following suggestions are submitted:—

The question of devises of trust estates is now in an unsettled state, which seems to admit of being advantageously made the subject of some legislative declaration. It may fairly be assumed that testators, when disposing of their property by will, have generally no thought of mere trust estates vested in them; and it is therefore submitted, that, contrary to the rule now in force, the presumption ought to be that general gifts do not extend to trust estates. Sect. 42 of the Bill contains an enactment to this effect. It is hoped that the terms used are sufficient to mark that it is not intended to apply to cases where the testator has a partial or inchoate beneficial interest in the property of which he is trustee; as for instance, the case of a mortgagee in possession of an estate of which the equity of redemption is not yet barred. There may, however, be cases of this kind in which the enactment would cause difficulty, and its adoption is, therefore, a question of a balance of convenience.

Such an enactment would, on the other hand, have the advantage of preventing in many cases the difficulty arising in consequence of the decision in Cooke v.

Crawford (13 Sim. 91), which has been discussed in numerous subsequent cases, as to the difference between powers given to a trustee and his *heirs*, and to a trustee, his *heirs and assigns*. It is said that a trustee commits a breach of trust in devising an estate where it, or a power coupled with it, is vested in him and his *heirs* only; though, if vested in him, his heirs, and *assigns*, he is justified in devising it. It is, however, submitted that it is unreasonable to suppose that a settlor or other person creating a power could in any case by anticipation have any preference for an unknown heir over an unknown devisee; and that, consequently, as far as the settlor's right to have his wishes attended to is concerned, the distinction founded on the presence or absence of the word "assigns" is entitled to no weight. On the other hand, the debarring a trustee from exercising his discretion as to whether the estate shall go to his heir or to a devisee, will constantly have effects very injurious to trust estates. There is no force in the argument that "there "is no substantial distinction between a conveyance by act inter vivos and a "devise; for the latter is nothing but a post mortem conveyance; and if the "one is unlawful, the other must be unlawful" (13 Sim 98); a trustee, it is true, has no right to part with the estate to another so long as he can retain it and discharge his duties himself; but on his death the only question is, *who* shall take it? and neither principle nor convenience favour the heir more than a devisee in such a case: on the contrary, it is probable that a devisee is to be preferred. (See 2 Jarman on Wills, 716.)

The rectification of the law on this point belongs to the law of trusts rather than to that of wills, and it does not appear proper to insert in the Bill any direct enactment respecting it; but the occurrence of the cases on which it bears would be greatly diminished by the enactment suggested.

Many other unsatisfactory rules of construction must occur to every one who considers the subject, but for the reasons stated in the Introductory Notes it does not seem expedient to attempt to interfere with them by direct egislation.

Summary of the alterations in the Wills Acts proposed by the new Bill:—

Sections of the Wills Act, 7 Will. IV. and 1 Vict. c. 26.	Sections of the Bill.
1. Mostly omitted as unnecessary	Sec. 49.
2. (Repeals) Repeated in the separate Bill	
3. The substance re-enacted	Sec. 1, 3.
4. 5. The substance re-enacted	Secs. 4 to 9 inclusive.
6. The substance re-enacted	Secs. 43. 44.
7. Re-enacted	Sec. 10.
8. Re-enacted, with partial alteration	Secs. 11. 12.
9. Re-enacted, with partial alteration and different expression	Secs. 13 to 16 inclusive.
10. Re-enacted, with explanatory additions	Secs. 19 to 21 inclusive.
11. Omitted.	
12. Omitted.	
13. Omitted.	
14. 15. 16. 17. Materially altered	Secs. 17. 18.
18. Re-enacted, with omission of the exception	Sec. 24.
19. Re-enacted	Sec. 27.

Sections of the Wills Act, 7 Will. IV. and 1 Vict. c. 26.	Sections of the Bill.
20. 21. 22. Considerably altered	Secs. 25. 26.
23. 24. Re-enacted	Secs. 28. 29. 32.
25. Re-enacted	Secs. 30. 31.
26. Re-enacted	Sec. 34.
27. Re-enacted, with alterations	Secs. 38. 39.
28. Re-enacted, with alterations	Secs. 35. 36.
29. Considerably altered	Sec. 37.
30. 31. The subjects of these sections provided for in a different way	Sec. 41.
32. Re-enacted, with alteration	Sec. 40.
33. Omitted.	
34.	Secs. 12. 21. 46. 47. 48.
35.	Sec. 50.
Statute 15 & 16 Vict. c. 24. superseded and repealed	Sec. 13. and separate Repealing Bill.

DRAFT OF A BILL CONCERNING WILLS.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: —

1. A testator may dispose by will of all the property, estates, and rights, of every description and tenure, to which he is in any way entitled at the time of his death, to the full extent of his interest therein.

2. All customs whereby a man is precluded from bequeathing the whole of his personal estate are repealed; but contracts that the personal estate shall be distributed according to any custom are not hereby invalidated.

[*See* note on section 2 of the Wills Act.]

3. The effect given to testamentary dispositions by husbands by the 4th section of the Act of the 3rd and 4th years of King William the Fourth, chapter 105, "for the Amendment of the Law relating to Dower," extends to real estate made devisable by this Act.

[*See* note on section 3 of the Wills Act.]

4. All real estate of a customary or copyhold nature may be devised without any surrender to the use of the will, and all customs preventing or limiting the power to devise any such real estate are repealed.

5. Where any real estate of a customary or copyhold nature might, by the custom of the manor of which the same is parcel, have been surrendered to the use of a will, and the testator has not surrendered the same to the use of his will, no devisee is entitled to be admitted except upon payment of all such

stamp duties, fees, and moneys, as would have been payable on or in respect of the surrendering of such real estate to the use of the will, if it had been so surrendered, in addition to all stamp duties, fees, fines, and moneys payable on the admittance of such devisee.

[As to this and the four following sections, *see* notes on sections 4 and 5 of the Wills Act.]

6. Where a testator was entitled to be admitted to any real estate of a customary or copyhold nature, and might, if he had been admitted thereto, have surrendered the same to the use of his will, and had not been admitted thereto, no devisee is entitled to be admitted, except on payment of all such stamp duties, fees, fines, and moneys as would have been payable on or in respect of the admittance of the testator; and also of all such stamp duties, fees, and moneys as would have been payable on or in respect of surrendering such real estate to the use of the will if the testator had been admitted to such real estate, and had afterwards surrendered the same to the use of his will; to be paid in addition to all stamp duties, fees, fines, and moneys payable on the admittance of such devisee.

7. When any real estate of a customary or copyhold nature is disposed of by will, the will, or so much thereof as contains the disposition of such real estate, is to be entered on the Court rolls of the manor whereof the same is parcel, at the request of any person interested either at law or in equity under such disposition, on payment of the customary or reasonable fees.

8. Where by a will trusts are declared of any real estate of a customary or copyhold nature, it is sufficient to refer to such trusts, without entering them at length on the Court rolls.

9. A devisee of any real estate of a customary or copyhold nature, which could not have been disposed of by will if this Act or the Act 7 Will. IV. and 1 Vict. c. 26. "for the Amendment of the Laws with respect to Wills," had not been made, must pay and render the same fine, heriot, dues, duties, and services, and be liable to the same remedies for recovering and enforcing the same, as if he had been entitled by descent as customary heir.

10. No person under the age of twenty-one years can make a will.

11. No married woman can make a will, except in the five cases following:

First, a Queen and a Queen Consort may make a will in all respects as if she were unmarried.

Secondly, a married woman may dispose by will of property to which she is entitled for her separate use.

Thirdly, a married woman may make a will in exercise of such powers as she is empowered to exercise by will notwithstanding coverture.

Fourthly, a married woman who is an executrix may make a will appointing an executor or executors as to the personal estate of her testator.

Fifthly, a married woman whose husband is civilly dead, may make a will, but it becomes void if the civil death of the husband determines in her lifetime.

[*See* note on section 8 of the Wills Act.]

12. The preceding section applies to all wills by married women made after this Act comes into operation, whether such woman were married before or after the passing of this Act.

13. A will must be in writing, and the testator must affix his signature thereto for the purpose of authentication.

[As to this and the three following sections, *see* notes on section 9 of the Wills Act.]

14. The signature of the testator must be affixed or acknowledged by him in the joint presence of two witnesses.

15. Both witnesses must attest that the signature of the testator was affixed or acknowledged in their joint presence, by severally affixing their signatures to the will in the testator's presence.

16. The testator may sign by the hand of another person, but the witnesses may not.

17. No person is incapacitated from being an attesting witness to a will, or from being a witness to prove the validity or invalidity of a will, on the ground of interest, direct or indirect.

[*See* notes on sections 14 and 15 of the Wills Act.]

18. No gift by will is invalidated by the circumstance that the legatee or devisee is an attesting witness or signed the will on behalf of the testator.

[*See* note on section 15 of the Wills Act.]

19. Wills in exercise of powers must be executed like other wills.

20. Wills in exercise of powers executed as required by this act are sufficiently executed, and the requisition of any additional or other form of execution or solemnity is of no effect.

21. The two preceding sections apply to all powers, whether created before or after the time when this Act comes into operation.

22. The will of a King or Queen, or Queen Consort, is sufficiently executed if executed as required by this Act; but in other respects nothing in this Act is intended to alter the provisions of the Act of the 39th and 40th years of King George III. chapter 88, "Concerning the Disposition of certain Real and "Personal Property of His Majesty, His Heirs and Successors, and also the Real "and Personal Property of Her Majesty, and of the Queen Consort for the "time being."

[*See* note on section 9 of the Wills Act.]

23. It is to be presumed, in the absence of evidence to the contrary, that all erasures, obliterations, and additions in a will were made after the execution thereof.

[*See* note on section 21 of the Wills Act.]

24. All wills are revoked by marriage.

[*See* note on section 18 of the Wills Act.]

25. Wills may be revoked, either wholly or partially, by subsequent wills inconsistent with them, or by subsequent wills indicating an intention to revoke, or by destruction by the testator, or some person in his presence and by his direction, with the intention of revoking.

[*See* notes on sections 20, 21, and 22 of the Wills Act.]

26. Where more parts than one of a will are in existence, all the parts must be destroyed in order to effect a revocation by destruction.

[*See* note on section 20 of the Wills Act.]

27. No act or circumstance except those mentioned in the preceding three sections is a revocation of a will.

[*See* note on section 19 of the Wills Act.]

28. A specific gift by will operates as a gift of all the estate or interest of the testator at the time of his death in the thing given.

[*See* note on section 23 of the Wills Act.]

29. A general or residuary gift by will operates as a gift of all the property of the testator to which the terms of the gift are applicable at the time of his death.

[*See* note on section 24 of the Wills Act.]

30. A residuary devise includes lapsed and void devises, except as provided in the next section.

[*See* note on section 24 of the Wills Act.]

31. A gift by way of charge on real or personal property, which is void, or lapses, or being contingent never takes effect, sinks into the property on which it is charged.

[*See* note on section 25 of the Wills Act.]

32. A gift by will of an undivided share of property operates as a gift of any part of such property which may be taken in severalty in lieu or in respect of such share by the testator after making his will.

[*See* note on section 23 of the Wills Act.]

33. A gift by will of land operates as a gift of any land to which the testator may become entitled after making his will in lieu or in respect of any rights appurtenant to such first-mentioned land.

[*See* note on section 23 of the Wills Act.]

34. In construing a will it is to be presumed, unless a contrary intention appears, that terms descriptive of property, without reference to the testator's tenure, include property of every tenure.

[*See* note on section 26 of the Wills Act.]

35. In construing a will it is to be presumed, unless a contrary intention appears, that gifts of property without words of limitation are intended to pass the whole estate or interest of the testator at the time of his death, except in the case mentioned in the next section.

[*See* note on section 28 of the Wills Act.]

36. In construing a will it is to be presumed, unless a contrary intention appears, that gifts without words of limitation of rent charges and annuities created by the will, are intended to last only during the life of the annuitant.

[*See* note on section 28 of the Wills Act.]

37. In construing a will it is to be presumed, unless a contrary intention appears, that gifts to take effect after failure of any issue of any person which, if an indefinite failure of such issue were intended, would be void for remoteness, are intended to take effect on the death of such person without leaving such issue living at his death.

[*See* note on section 29 of the Wills Act.]

38. In construing a will it is to be presumed, unless a contrary intention appears, that terms of gift are intended also to operate as an exercise of all powers of appointment over property which the testator is empowered to appoint by will in any manner he may think proper.

[*See* note on section 27 of the Wills Act.]

39. In no case can a will operate as an exercise of any power which was not created before the making of the will.

[*See* notes on sections 24 and 27 of the Wills Act.]

40. If any person who, if he had survived the testator, would have become entitled to any estate in tail or quasi in tail under a will dies in the testator's lifetime the gift does not lapse, but takes effect as if such person had died immediately after the testator; but not so as to give any estate or interest to any persons except those claiming under the entail.

[*See* note on section 32 of the Wills Act.]

41. Gifts by will to trustees are to be construed in the same manner as beneficial gifts, in respect of the estates or interests conferred.

[*See* note on section 30 of the Wills Act.]

42. In construing a will it is to be presumed, unless a contrary intention appears, that the testator did not intend to include in any general or residuary gift property vested in him only as trustee or mortgagee, but to die intestate as to such property.

[*See* note on additional clause.]

43. Estates pur autre vie, undisposed of by will, which descend to the heir as special occupant, are chargeable in his hands as assets by descent.

[*See* note on section 6 of the Wills Act.]

44. All estates pur autre vie, in hereditaments of every tenure, and whether corporeal or incorporeal, of which there is no special occupant, go to the executor or administrator as personal assets.

[*See* note on section 6 of the Wills Act.]

45. A quasi tenant in tail of an estate pur autre vie cannot dispose of such estate by will.

[*See* note on section 6 of the Wills Act.]

46. The provisions of this Act as to estates pur autre vie extend only to those of persons dying after the 31st day of December, 1854.

47. The provisions of this Act apply to all wills executed or revived after the 31st day of December 1854, and to none other, except as provided in the next section.

48. The provisions of this Act as to the revocation of wills apply to all revocatory acts or circumstances which occur or are performed after the 31st day of December, 1854, whatever be the date of the will affected.

[*See* notes on sections 18 and 34 of the Wills Act.]

49. The provisions of this Act relating to wills extend to all codicils, testamentary appointments, and other documents of a testamentary nature.

50. This Act does not extend to Scotland.

DRAFT OF A BILL TO REPEAL CERTAIN ACTS IN CONNEXION WITH THE ACT CONCERNING WILLS OF THIS SESSION.

Be it enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, and by the authority of the same, as follows:—

1. The following enactments are repealed:—

Title, &c., according to the Quarto edition of Ruffhead and others.		Extent of Repeal.
32 Hen. 8. c. 1. - -	An Act of Wills, Wards, and Primer Seisins, whereby a man may devise two parts of his Land.	So much as relates to wills and devises.
34 & 35 Hen. 8. c. 5. -	The Bill concerning the Explanation of Wills.	So much as relates to wills and devises.
29 Car. 2. c. 3.	An Act for Prevention of Frauds and Perjuries.	Sections 5. 6. 12 19. 20. 21. 22. 23. and the word "such" in section 9.
4 & 5 Wm. & Mary, c. 2.	An Act that the Inhabitants of the Province of York may dispose of their Personal Estate by their Wills, notwithstanding the Custom of that Province.	The whole.
7 & 8 Wm. 3. c. 38. -	An Act to take away the Custom of Wales, which hinders Persons from disposing their Personal Estat s by their Wills.	The whole.
2 & 3 Ann, c. 5. - -	An Act to repeal a Proviso in an Act of the 4th year of the Reign of King William and Queen Mary, which prevents the Citizens of the City of York from disposing of their Personal Estates by their Wills, as others Inhabiting within the Province of York by that Act may do.	The whole.
4 Ann, c. 16. - - -	An Act for the Amendment of the Law and the better Advancement of Justice.	Section 14.
11 Geo. 1. c. 18. - -	An Act for regulating Elections within the City of London, and for preserving the Peace, Good Order, and Government of the said City.	Section 17, and so much of section 18 as preserves the custom of London against testators, who have agreed that their personal estate shall be distributed according to the custom.
11 Geo. 2. c. 17. - -	An Act for securing the Estates of Papists conforming to the Protestant Religion against the Disabilities created by several Acts of Parliament relating to Papists, and for rendering more effectual the several Acts of Parliament made for vesting in the two Universities in that part of Great Britain called England the Presentations of Benefices belonging to Papists.	So much of section 5 as enacts that devises by Papists or persons professing the Popish religion of any advowson or right of presentation, collation, nomination, or donation, or any avoidance with intent to secure the benefit thereof to the heirs or family of such Papist or person professing the Popish religion, shall be null and void.

Title &c., according to the Quarto edition of Ruffhead, and others.		Extent of Repeal.
14 Geo. 2 c. 20. - -	An Act to amend the Law concerning Common Recoveries, and to explain and amend an Act made in the 29th year of the Reign of King Charles the Second, intituled an Act for prevention of Frauds and Perjuries, so far as the same relates to Estates pur autre vie.	Section 9.
5 Geo. 2. c 6 - -	An Act for avoiding and putting an end to certain Doubts and Questions relating to the Attestation of Wills and codicils concerning Real Estates in that part of Great Britain called England, and in His Majesty's Colonies and Plantations in America.	Sections 1 to 9, both inclusive.
55 Geo. 3. c. 192. -	An Act to remove certain Difficulties in the Disposition of Copyhold Estates by will.	The whole.
7 Will. 4. and 1 Vic. c. 26.	An Act for the Amendment of the Laws with respect to Wills.	The whole.
15 & 16 Vict. c. 24	An Act for the Amendment of an Act passed in the 1st year of the Reign of Her Majesty Queen Victoria, intituled an Act for the Amendment of the Laws with respect to Wills.	The whole.
Acts of the Parliament of Ireland.		
10 Car. 1 Sess. 2. c. 2.	An Act how Lands, Tenements, &c., may be disposed by Will or otherwise, and concerning Wards and Primer Seisin.	So much as relates to wills and devises.
7 Wm. 3. c. 12. - -	An Act for Prevention of Frauds and Perjuries.	Sections 3. 9. 15. 16. 17. 18. 19. and the word 'such" in section 6.
6 Anne, c. 10. - -	An Act for the Amendment of the Law and the better Advancement of Justice.	Section 14.
25 Geo. 2. c. 11 - -	An Act for avoiding and putting an end to certain Doubts and Questions relating to the Attestation of Wills and Codicils concerning Real Estates.	The whole.

2. The repeal herein contained does not apply to wills made before the first day of January, 1855, and not re-executed or otherwise revived on or after that day, except as to the revocation of such wills; nor to property devised or bequeathed by such wills; nor to estates pur autre vie, of persons dying before the first day of January, 1855.

M. I. BRICKDALE.

APPORTIONMENT.

The drafts of Bills which will be found at the end of this paper are submitted as another short specimen of the nature of the improvements which may be effected in the Statute Law by the process of gradually re-writing it recommended by Mr. Ker in his second report.

The existing Statute Law relating to the subject of apportionment is notoriously defective; while the cases in which the question of apportionment has to be decided one way or the other are of daily occurrence. The subject, therefore, has been selected both because it is one in which the law admits of much amendment, and also because it would be a considerable practical benefit if it could be made plain and complete.

The following introductory observations will show at the same time the points in which the present Statute Law is imperfect or objectionable, and the general principles on which the several enactments contained in the Bills have been framed.

The term "apportionment" is often used to signify *partition;* but the apportionment now referred to is that only which is the subject of the Acts commonly called the Apportionment Acts, the 11 Geo. 2. c. 19. § 15, and the 4 & 5 Wm. 4. c. 22.

Even when thus limited, it should be observed, in the outset, that there are two very different matters which are both included under the term; namely, the claims of the *recipients* of periodical payments as against the parties paying, and the claims of *successive* recipients as between themselves.

The difference between these two classes of subjects is so essential, that it seems proper to place the provisions regulating them in separate Acts; yet, as will appear further on, some confusion has been made between the enactments respectively relating to them, and rules intended to apply to the one have been supposed to govern the other.

It will, perhaps, be convenient first to consider, without any reference to the law actually in force, what are just and reasonable rules on the subject of apportionment. It would seem that the following are the conclusions to which such an inquiry leads:

First, as regards the obligation to pay, it seems clear that all payments in the nature of *rent* or *interest*, for the enjoyment or use of property, ought to be paid up to the day of the determination of such enjoyment or use, whatever the periodical times fixed for the payment of such rent or interest may be.

Secondly, as regards the obligation to pay sums in the nature of *terminable annuities*, the general principle is not so clear; for it is not unreasonable to suppose that the prospect of not having to pay a proportion after the occurrence of the event by which the annuity is determined, may be taken into

account in fixing the consideration originally given; and, in point of fact, the ordinary intention and understanding of mankind are sometimes one way, and sometimes the other. Some such payments are commonly not intended to be apportioned, as life annuities granted by public offices,* pensions, premiums on policies, &c.; others probably are intended to be apportioned, though often not so expressed, as annuities bequeathed by will, &c.

There is, therefore, considerable difficulty in making a statutory provision for this class of cases, for while it is, of course, desirable to have the law on the subject fixed and certain; there is, on the other hand, no probability of doing so in a way which will accord with the ordinary notions of the public without making rules which must be complex, and be accompanied by many exceptions and explanations.

There are but three courses, one of which must be chosen; either to make a rule that all payments in the nature of terminable annuities shall be apportionable; or to make a rule that no such payments shall be apportionable; or to attempt to enumerate all the kinds of such payments, and declare which shall be apportionable, and which not, with a considerable risk both of making such enumeration imperfectly and of failing after all to make such provisions as will suit the general intentions of those affected by them.

On the whole, it would seem most convenient to leave the law on this subject mainly as it is at present; namely, that the presumption is against the intention to grant an apportioned part for the period between the last day of payment and the occurrence of the event which determines the annuity. This would leave it necessary for parties whose intention is the other way, to express such intention in terms; a necessity which will, no doubt, give rise to difficult questions of construction in some cases, and to hardship in some others; but such would also follow from the adoption of any other course.

The law at present makes an exception in the case of terminable annuities given for the maintenance of infants, and for the maintenance of married women living separate from their husbands (see the authorities cited in Williams on Executors, 710, 4th ed.); but the necessity of giving an apportioned part of the annuity in these cases scarcely appears sufficiently strong to justify the exception.

Thirdly, as regards the claims of parties becoming successively entitled to the receipt of any periodical payment, whether in the nature of rent or interest, or in the nature of an annuity, it seems clear that there ought to be an apportionment between them of the first payment which falls due after the occurrence of the event which causes the change of ownership.

It is proposed to take the principles above laid down as the basis of the law to be enacted on the subject; and this may be done with the less hesitation since we find that the existing law does not materially differ from them in general effect and apparent intention; though, owing to the imperfect framing of the statutes, some points are left in uncertainty, and on others the courts have established unnecessary exceptions and distinctions.

These imperfections, however, seriously interfere with the practical utility of the law. It seems proper shortly to notice them, in order to show the necessity for re-arrangement and completion of the enactments on the subject.

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* One-half of the amount of the half-yearly payment is payable after the death in respect of some Government life annuities. 10 Geo. IV. c. 24., 2 & 3 Wm. IV. c. 59.

I. As regards the claims of the recipients of periodical payments against the parties paying, all payments in the nature of interest for the forbearance of money are considered as accruing from day to day, independently of statute; and the principle was extended to payments in the nature of rent by the 15th section of the 11 Geo. 2. c 19., and the 1st section of the 4 & 5 Wm. 4. c. 22.*

And here it becomes necessary to make some observations on the subject already alluded to, of the erroneous views which have been entertained as to the application of the 1st and 2d sections respectively of the Act of William the Fourth. It is submitted that the correct view of the meaning and application of the enactments contained in those sections respectively (as was pointed out by Coleridge J.) in Oldershaw v. Holt, (12 Ad. and Ell. 596,) is that the former section relates exclusively to the kind of apportionment last mentioned, that affecting the claims of recipients of periodical payments as against the parties liable to pay them; and the latter section exclusively to the other kind of apportionment, that between the *successive* recipients of continuing annuities.† This distinction has not been always clearly recognized; see,

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* The following is the text of these two sections :—

(11 Geo. 2 c. 19. § 15). Whereas where any lessor or landlord, having only an estate for life in the lands, tenements, or hereditaments demised, happens to die before, or on, the day on which any rent is reserved or made payable, such rent, or any part thereof, is not by law recoverable by the executors or administrators of such lessor or landlord; nor is the person in reversion entitled thereto, any other than for the use and occupation of such lands, tenements, or hereditaments, from the death of the tenant for life; of which advantage hath been often taken by the under tenants, who thereby avoid paying anything for the same; for remedy whereof, be it enacted &c., That from and after the twenty-fourth day of June One thousand seven hundred and thirty-eight, where any tenant for life shall happen to die before or on the day on which any rent was reserved or made payable upon any demise or lease of any lands, tenements, or hereditaments which determined on the death of such tenant for life, that the executors or administrators of such tenant for life shall and may, in an action on the case, recover of and from such under tenant or under tenants of such lands, tenements, or hereditaments, if such tenant for life die on the day on which the same was made payable, the whole, or if before such day then a proportion of such rent, according to the time such tenant for life lived, of the last year, or quarter of a year, or other time in which the said rent was growing due as aforesaid, making all just allowances, or a proportionable part thereof respectively.

(4 and 5 Wm. 4. c. 22. § 1).—Whereas by an Act passed in the eleventh year of the reign of his Majesty King George the Second, intituled " An Act for the more effectual securing the Pay- " ment of Rents, and preventing Frauds by Tenants," it was enacted, That where any tenant for life should happen to die before or on the day on which any rent was reserved or made payable upon any demise or lease of any lands, tenements, or hereditaments which determined on the death of such tenant for life, the executors or administrators of such tenant for life should and might, in an action on the case, recover of and from such under tenant or under tenants of such lands, tenements, or hereditaments, if such tenant for life die on the day on which the same was made payable, the whole, or if before such day, then a proportion of such rent, according to the time such tenant for life lived, of the last year or quarter of a year, or other time in which the said rent was growing due as aforesaid, making all just allowances, or a proportionable part thereof respectively: And whereas doubts have been entertained whether the provisions of the said Act apply to every case in which the interests of tenants determine on the death of the person by whom such interests have been created, and on the death of any life or lives for which such person was entitled to the lands demised, although every such case is within the mischief intended to have been remedied and prevented by the said Act; and it is therefore desirable that such doubts should be removed by a declaratory law: . . . . Be it therefore enacted and declared &c., That rents reserved and made payable on any demise or lease of lands, tenements, or hereditaments which have been, and shall be made, and which leases or demises determined or shall determine on the death of the person making the same, (although such person was not strictly tenant for life thereof,) or on the death of the life or lives for which such person was entitled to such hereditaments, shall, so far as respects the rents reserved by such leases, and the recovery of a proportion thereof by the person granting the same, his or her executors, or administrators, (as the case may be,) be considered as within the provisions of the said recited Act.

† The following is the text of the second section, and of the recital which belongs to it, but which in the Act is placed before the first section :—

Whereas by law, rents, annuities, and other payments due at fixed or stated periods are not apportionable, (unless express provision be made for the purpose,) from which it often happens that persons (and their representatives,) whose income is wholly or principally derived from these sources by the determination thereof before the period of payment arrives are deprived of means to satisfy just demands, and other evils arise from such rents, annuities, and other payments not being apportionable, which evils require remedy: Be it enacted, That from and after the passing of this Act all rents service reserved on any lease by a tenant in fee, or for any life [less ?] interest, or by any lease granted under any power, (and which leases shall have been granted after the passing of this Act,) and all rentscharge and other rents, annuities, pensions, dividends,

for instance, the above mentioned case of Oldershaw v. Holt; Markby's case, 4 Mylne and Craig, 484; Michell v. Michell, 4 Beav. 549; Kevill v. Davies, 15 Sim. 466; Lock v. De Burgh, V.C. Knight Bruce, 1851, 20 Law Journal, 384; but though the terms of the 2d section are in some respects ambiguous, a general view of the purport of the Act seems to make it necessary to admit this distinction between the subjects of the 1st and 2d sections.

It was essential to refer to the above distinction in this place, because the law relating to the obligations of lessees to pay apportioned parts of their rent has been sometimes mis-stated in consequence of the application to it of some of the terms of the 2d section of the Act of Wm. 4.: for instance, it has been stated that the 15th section of the 11 Geo. 2. c. 19., and the 1st section of the 4 & 5 Wm. 4. c. 22., relate only to demises created by written instruments; an opinion which can only be founded in the language of the 2d section of the latter Act.

The Statute Law relating to the obligation on tenants to pay proportionate parts of their rent being thus limited to the two sections above mentioned (11 Geo. 2. c. 19. § 15 and 4 & 5 Wm. 4. c. 22. § 1.), it appears to require amendment and extension in the following particulars:

First. The rule is only made applicable where a demise terminates by reason of some *death*, whether of the landlord or some cestui qui vie. It is submitted, however, that the principle on which the rule is founded is quite independent of the particular cause of the determination of the demise. That principle is, that rent, like interest, accrues due from day to day, and ought to be paid for every day that the tenant has the equivalent enjoyment of the land. In the above-mentioned case of Oldershaw v. Holt, it was considered out of the question that the statute should apply to a case where the term was put an end to by the landlord's own act of re-entering for forfeiture, and the statute certainly does not extend to such a case; but there seems no reason why it should not be made to do so, for the reservation of the right of re-entry was part of the original contract, and the forfeiture was caused by the tenant's own default; and as he had enjoyed the land for the interval between the last quarter-day and the

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moduses, compositions, and all other payments of every description, in the United Kingdom of Great Britain and Ireland, made payable or coming due at fixed periods under any instrument that shall be executed after the passing of this Act, or (being a will or testamentary instrument) that shall come into operation after the passing of this Act, shall be apportioned so and in such manner that on the death of any person interested in any such rents, annuities, pensions, dividends, moduses, compositions or other payments as aforesaid, or in the estate, fund, office, or benefice from or in respect of which the same shall be issuing or derived, or on the determination by any other means whatsoever of the interest of any such person, he or she, and his or her executors, administrators, or assigns shall be entitled to a proportion of such rents, annuities, pensions, dividends, moduses, compositions, and other payments according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the death of such person, or of the determination of his or her interest, all just allowances and deductions in respect of charges on such rents, annuities, pensions, dividends, moduses, compositions, and other payments being made; and that every such person, his or her executors, administrators, and assigns shall have such and the same remedies at law and in equity for recovering such apportioned parts of the said rents, annuities, pensions, dividends, moduses, compositions, and other payments, when the entire portion of which such apportioned parts shall form part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire rents, annuities, pensions, dividends, moduses, compositions, and other payments if entitled thereto, but so that persons liable to pay rents reserved by any lease or demise, and the lands, tenements, and hereditaments comprised therein, shall not be resorted to for such apportioned parts specifically as aforesaid, but the entire rents of which such portions shall form a part shall be received and recovered by the person or persons who if this Act had not passed would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under this Act in any action or suit at law or in equity.

The third section enacts that "the provisions herein contained shall not apply to any case in which it shall be expressly stipulated that no apportionment shall take place, or to annual sums made payable in policies of assurance of any description."

re-entry, it seems only just that he should pay a rent for the same period. It is proposed, therefore, to enact that in all cases where on the determination of a demise there is what is commonly called a "broken quarter," an apportioned part of the rent shall be paid.

Secondly. As the term "rent" may perhaps not comprehend all the periodical payments to which the principle above mentioned is applicable, it is proposed to make a declaratory enactment that *all* payments which are in the nature of rent or interest for the use of property, shall be apportioned.

Such an enactment will be so far superfluous that it includes the case of interest for money, which is no part of the Statute Law; but it is submitted that there will be nothing objectionable in this.

The first section of the late Act 14 & 15 Vict. c. 25 ("An Act to improve the Law of Landlord and Tenant in relation to Emblements, &c.)* appears at first to have some bearing on the law of apportionment; but, on consideration, it does not seem necessary to make any reference to it, as the present Bills will not interfere with its enactments.

With respect to Ireland, it is believed that the only Act of the Parliament of that country affecting the points now in question is the 23 & 24 Geo. 3. c. 46., of which the 1st and 2d sections are of the same purport as the 11 Geo. 2. c. 19. s. 15., and the 4 & 5 Wm. 4. c. 22. s. 1., but with the addition of provisions that the proportionate parts of the rent may be *distrained* for, which (as the lease is necessarily determined) is in some cases to give the reversioner a power to distrain on his own land, and in others to give the executor of a deceased tenant for life power to distrain on the land in the hands of the reversioner, who has nothing to do with the obligation to pay the rent. The intention probably was to give a power to seize the chattels *of the tenant*, if there were any on the land; but this could be of little value, as the apportioned part is not due until the next rent day, and a fraudulent tenant would therefore have time to remove his goods. It therefore seems that the whole of these two sections may be repealed without impropriety, and the new law made applicable to Ireland.

If the bill now before Parliament "to consolidate and amend the laws relating to Landlord and Tenant in Ireland," which has lately passed through a Select Committee of the House of Lords, should become law, some alteration of the Bills now submitted will probably be necessary, as the 44th, 45th, and 46th sections of that Bill relate to the subject of apportionment.

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* "Where the lease or tenancy of any farm or lands held by a tenant at rackrent shall determine by the death or cesser of the estate of any landlord entitled for his life, or for any other uncertain interest, instead of claims to emblements, the tenant shall continue to hold and occupy such farm or lands until the expiration of the then current year of his tenancy, and shall then quit upon the terms of his lease or holding, in the same manner as if such lease or tenancy were then determined by effluxion of time or other lawful means during the continuance of his landlord's estate; and the succeeding landlord or owner shall be entitled to recover and receive of the tenant, in the same manner as his predecessor or such tenant's lessor could have done if he had been living or had continued the landlord or lessor, a fair proportion of the rent for the period which may have elapsed from the day of the death or cesser of the estate of such predecessor or lessor to the time of the tenant so quitting, and the succeeding landlord or owner and the tenant respectively shall as between themselves and as against each other be entitled to all the benefits and advantages, and be subject to the terms, conditions, and restrictions, to which the preceding landlord or lessor and such tenant respectively would have been entitled and subject in case the lease or tenancy had determined in manner aforesaid at the expiration of such current year: Provided always, that no notice to quit shall be necessary or required by or from either party to determine any such holding and occupation as aforesaid."

II. The Statute Law which regulates the apportionment between *successive* recipients of a periodical payment, consists of the second section of the 4th and 5th Wm. 4. c. 22. (with the exception contained in the third section), and two fragmentary enactments, the eighty-sixth section of the 6th and 7th Wm. 4. c. 71. (the Tithe Commutation Act) by which the provisions of the Act of Wm. 4. are extended to all tithe rentcharges; and the fiftieth section of the 4th and 5th Vict. c. 35 (the Copyhold Enfranchisement Act), which in like manner extends the provisions of the Act of Wm. 4. to all rentcharges made payable on enfranchisements; and possibly there may be similar enactments in some other Acts creating new kinds of periodical payments.

The second section of the Act of Wm. 4. was the first statutory provision on this branch of the subject; but *interest* was always apportionable between successive owners, as it was between debtor and creditor; and courts of equity have also in some cases apparently compelled apportionment of rent and other payments between successive owners, on the ground that the case fell within the equity of the statute of 11 Geo. 2. c. 19. (see Paget v. Gee, Ambl. 198 and 807; 3 Swanst. 694; Hawkins v. Kelly, 8 Ves. 308; Aynsley v. Wordsworth, 2 Ves. and Beames, 331; Oldham v. Hubbard, 2 Y. and C. C. C. 209); but, as has already been shown, the statute of Geo. 2. relates to a subject entirely different from that now in question; and, on examination, it will be found that all the cases referred to were merely cases in which a person having by some means or other obtained payment of an entire sum, part of which was equitably the property of his predecessor, was compelled to make a just division of it; and not cases of an apportionment of a *continuing* payment at all.

The terms of the second section of the Act of Wm. 4, which confine its operation to rents, &c. "and all other payments made payable or coming due at "fixed periods under any instrument that shall be executed after the passing "of this Act, or (being a will or testamentary instrument) that shall come "into operation after the passing of this Act," have occasioned considerable difficulty, and, as it would seem, misapprehension. It is submitted that the only meaning that can be given to these words, consistently with the general purport of the section, is that they refer not to the instrument under which the rent, &c. becomes payable, but to the instrument under which the parties between whom an apportionment is to take place become successively entitled to the receipt of that rent; the object being, not to interfere with the rights of parties and the presumed intentions of settlors, in the case of settlements already made.

It must, however, be admitted that a different meaning has in several instances been attributed to these words; namely, that they apply to the original creation of the rents, &c., and consequently confine the operation of the Act to rents, &c. reserved by some instrument in writing; see, for example, In Re Markby, 4 Mylne and Craig, 484, Lock v. De Burgh, Knight Bruce, V.C., 1851, 20 Law Journal, 384: but this construction is inconsistent with the case of Kevill v. Davies, 15 Sim. 466, where apportionment was decreed of rents reserved on parol demises, and also (which is a stronger argument) is inconsistent with a great part of the section itself; for the enactment is made to include "all rentscharge, and other rents, annuities, pensions, dividends, "moduses, compositions, and all other payments of every description made payable or coming due at fixed periods;" and it is evident that, as regards *dividends* and *moduses* at least, the "instrument" referred to could not possibly mean the instrument under which such dividends or moduses originally become payable.

Whatever may be the true construction, it is at any rate advisable to provide a rule in some distinct terms for the future; and on looking into the nature of the interests to be affected, it will perhaps be considered that any exceptions limiting the operation of the enactment to cases arising under future settlements are unnecessary, and may be dispensed with. For it is not to be supposed that any settlements or wills have been made with any clear understanding or intention that apportionment should *not* take place between successive takers; on the contrary, no one can doubt that a retrospective Act providing for a just apportionment will in reality be making such a provision as settlors would have desired, had their attention been called to the point; and it seems, therefore, on the whole, to be advisable and proper to provide for apportionment in all cases of future succession, whether the order of succession was limited before or after the passing of the Act. It will be observed that the provisions respecting the payment of an apportioned part of rent by tenants in the Act of Geo. 2, and also those in the 1st section of the Act of Wm. 4 (at least if the construction above contended for be correct) were made to apply to all demises, whenever created.

The reasons above submitted seem also to authorize a further departure from the provisions of the 2d section with regard to rents service reserved by leases created under a power, which are expressly confined to leases granted after the passing of the Act; it does not appear how the principle which makes it proper to allow an apportionment, can be affected by the consideration of the date of the lease; and it is therefore proposed not to retain this exceptional provision.

There has been considerable doubt whether the 2d section extends to the case of the *determination* of annuities, so as to give (for instance) an apportioned part to the executors of a deceased life annuitant, or only to the case of *succession* to continuing annuities. It would seem, from the language of the second recital in the Act (which has reference to the subject matter of the 2d section) that it was intended to extend the right to an apportioned part to the case of a determined annuity; but the terms of the 2d section itself do not appear to warrant such a construction; though an argument in favour of it may be drawn from the 3d section, which declares that the provisions of the Act shall not apply to "annual sums made payable on policies of assurance of any "description;" an exception which is apparently without meaning, except on the supposition that the 2d section does apply to apportionment on the determination of annuities. However, it is believed that the general opinion now is, that the 2d section does not extend to such a case (Joshua Williams on Personal Property. 203, 2d edition; Lowndes v. Earl of Stamford, Q.B. 1852, 21 Law Journal, 371; though the case of Carter v. Taggart, 16 Sim. 447, seems to be the other way); and for the reasons already given it is proposed to declare that an intention to grant such an additional apportioned part of a determined annuity shall not be presumed.

It has been determined that the 2d section of the Act of Wm. 4. does not provide for the apportionment of rent between the real and personal representatives of a tenant in fee, or other person whose interest is not terminated by his death: Browne v. Amyot (3 Hare, 173); Beer v. Beer (12 C. B. Rep. 60); and to this ground may also be attributed the decision of Markby's case (4 Mylne & Craig 484), though that decision was apparently founded on a different, and (if the view of the objects of the 2d section above submitted be correct) an erroneous ground; namely, that the 2d section does not refer to any rents except those reserved by instruments in writing. The law

established by these decisions has been disputed; see a paper in 8 Jurist, Part II., p. 135., but there does not appear to be any necessity to alter it; for it is impossible to say that there are any principles of natural justice which entitle the personal representatives to preference over the real representatives of a deceased landlord in such a case; and now that real estate is subject to debts, rules having the effect of increasing the personalty at the expense of the heir, which may formerly have been expedient for the protection of creditors, are no longer needed. The Bill has, therefore, been framed so as to leave to the real representative the benefit of accruing rents.

A question arises in cases where two persons are entitled to an annuity in joint tenancy, whether the executors of the one who dies first are entitled to an apportioned part of a moiety up to the day of his death. Such a case is not expressly provided for in the 2d section of the Act of Wm. 4., but appears to be within the scope and equity of it; and the Bill has been framed so as to include such a case.

The 2d section of the Act of Wm. 4. provides that where an apportionment takes place the parties whose interest has ceased shall be entitled to recover their apportioned shares *from the persons liable to pay*, except in the case of rents. It seems, however, not fair to throw on the parties who are liable to pay the obligation of ascertaining that a case for apportionment has occurred, and the correct amount to which each party is entitled, at the risk of being obliged to pay twice over. It seems more proper to direct that the whole payment, when due, shall be received by the new owner, who shall be liable to account to the previous owner for his apportioned part; and the Bill has been framed in accordance with this view. In point of fact there are but few periodical payments (except rent) which can be limited successively, otherwise than by the intervention of a trustee; and where there is a trustee, the apportionment can of course be made by him without difficulty.

As there may be cases in which it will not be worth the successor's while to take any pains to recover the first payment falling due after the commencement of his interest (for he may come into possession only the day before the day of payment), it seems advisable to declare that the successor is a trustee for the predecessor for the purpose of obtaining payment; though probably he would be held to be so on general principles of equity, without any statutory declaration.

A person succeeding to an estate subject to a periodical charge, is bound to discharge the whole of the next periodical payment, without being entitled to any contribution from the previous holder; Sutton v. Chaplin (10 Ves. 67.); which seems a hardship, especially now that the party succeeding is not entitled to the equivalent advantage of taking the whole of any accruing rent payable by *his* tenants; and yet, except in the case presently mentioned, it does not seem proper to create a right to receive any such contribution, as there is a risk of still greater hardship to the previous owner, or his representative, should he be made liable to an action for a contribution which he has not the means of paying. It seems, however, only just that in the cases where the party succeeding to the property is required to allow an apportioned part of the accruing rent to the previous holder, he should be permitted to take credit for all rents and outgoings paid by himself before making the apportionment. The 2d section of the Act of Wm. 4. makes a provision to this effect, which it seems proper to retain

The repeal of the enactments of which it is proposed to consolidate the provisions, is effected by a separate Bill. The utility and propriety of effecting repeals in this way is pointed out by Mr. Coode in the First Report, p. 82.; and although it may seem not worth while to have a separate Act of Parliament to effect a repeal of so small an extent, yet the reasons for observing the practice certainly apply to all cases alike, and if the rule is to be followed at all, it should be followed always. The actual addition in bulk to the statutes by this method is very trifling, while the diminution in bulk of the *working part* of the statutes is considerable.

It seems advisable as a measure of precaution to add the title, as well as the numbers of the year and chapter, in repealing an Act; see the note on this point in the paper prefixed to the new Statute of Wills, which will be found in another part of the present report. As an instance of the danger of trusting to numbers alone, the late Act 14 & 15 Vict. c. 42., may be referred to; the schedule to that Act contains errors in the numbers of no less than four Acts *, and it is only because the titles also are given that the intention of the Legislature can be ascertained.

With reference to the repeal of the 4 & 5 Wm. 4. c. 22., an important question arises. The 2d section of this Act, evidently through an oversight on the part of the framer, extends to Scotland, as has been decided in the House of Lords in Fordyce v. Bridges (1 H. L. C. 1); though its terms at least, if not its purport, are inapplicable to Scotch law. The new enactments now submitted are made applicable to England and Ireland only; and it will be necessary to consider whether the repeal of the Act of Wm. 4. shall be made to extend to Scotland, or whether that Act shall be retained as to Scotland until new provisions are made with reference to that country.

As regards the form and style of the Bills, the same considerations have been kept in view as are stated in the introduction to the new Statute of Wills.

DRAFT OF A BILL CONCERNING THE APPORTIONMENT OF PERIODICAL PAYMENTS ON THEIR DETERMINATION.

Be it enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. On the determination by any means of any payment in the nature of rent or interest for the use or forbearance of any property, debt, or right, on any day except the day of payment, a proportion thereof, up to the day of such determination inclusive, becomes due on the next day of payment.

[The 11 Geo. 2. c. 19. provides that the apportioned part shall be recoverable by action on the case. It seems now sufficient to enact that the amount *becomes due*, and it will be recoverable like any other debt. It will not do to say that the apportioned part shall be recoverable in the same way as the former pay-

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*3 & 4 Vict. c. 12. (meaning 4 & 5 Vict. c. 12. which is afterwards inserted in its right place).
8 & 9 Vict. c. 17. (meaning c. 17. of the local series).
8 & 9 Vict. c. 178. (meaning c. 178 of the local series).
10 & 11 Vict. c. 210. (meaning c. 131. of the local series).

:nents, for the circumstances will often be different; for instance, there will of course be no means of *distraining* for an apportioned part of rent, for the term will be over, and the tenant probably out of possession, before the apportioned part becomes due.]

2. No such proportion as is mentioned in the preceding section becomes due on the determination of any periodical payments except those mentioned in the preceding section.

[It seems necessary to settle the law as to terminable annuities, &c. by a declaratory enactment in some way. The grounds on which it seems expedient to make none of them apportionable, have been already stated.]

3. This Act extends to all cases in which the determination of the periodical payment shall occur after the passing of this Act.

[The reasons which seem to justify making the Act retrospective to this extent, will be found in the preliminary observations.]

4. This Act does not preclude parties from making any contracts or declarations varying the provisions hereof, and applies only to cases where no special enactments, contracts or declarations have been made as to the matters herein provided for.

[This provision is scarcely necessary, but it is added to prevent doubt, as there is a similar declaration in the 3d section of the 4 & 5 Wm. 4. c. 22.]

5. This Act does not extend to Scotland.

DRAFT OF A BILL CONCERNING THE APPORTIONMENT OF PERIODICAL PAYMENTS BETWEEN SUCCESSIVE OWNERS.

Be it enacted and declared, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. When any person succeeds to the right to receive any periodical payment on any day except the day of payment, he shall pay to the person to whom he has succeeded, or his personal representatives, a proportion of the next periodical payment, up to the day of such succession inclusive.

2. Where more than one succession takes place in the interval between two periods of payment, a just proportion shall be paid to each person whose interest has determined, or to his personal representatives.

[It is perhaps hardly necessary to express this, but it has been added to prevent ambiguity.]

3. In ascertaining the amount of the proportion to be paid or received, a proportion of all expenses, charges, and outgoings paid by any successor are to be allowed to him.

[The words "or received" are added to meet the case of a person whose interest both began and determined between two days of payment, so that he never received any payment, but who in the meantime has paid some rent or charge.]

4. The successor is not liable to pay such proportion except in respect of payments actually received by him; but he is bound as a trustee for all the persons to whom he succeeds to obtain such payment.

5. The persons liable to pay any periodical payments which become apportionable are not affected by the preceding provisions, and shall pay the whole sum due at the next period to the party then entitled.

6. The successions to which this Act refers do not include succession by reason of conveyance or transfer.

[It appears more in accordance with ordinary practice to leave the consideration of the value of accruing rents to be settled at the time of completing a purchase.]

7. The provisions of this Act do not extend to give any claim to the executors or administrators of a deceased owner of any estate of inheritance against his heir or devisee.

[This is the rule established in Browne v. Amyot, and Beer v. Beer; and, as has been already stated, there seems no ground for disturbing it.]

8. Surviving joint tenants are, for the purposes of this Act, considered as successors to the shares of their deceased co-tenants.

[It seems necessary to make an express provision in this case, to avoid ambiguity.]

9. This Act extends to all cases in which the succession shall occur after the passing of this Act.

[The grounds which seem to justify making the Act retrospective to this extent will be found in the preliminary observations.]

10. This Act does not preclude parties from making any contracts or declarations varying the provisions hereof, and applies only to cases where no special enactments, contracts or declarations have been made as to the matters herein provided for.

[This provision is probably unnecessary, but has been added to prevent doubt, as there is a similar declaration in the 3d section of the 4 & 5 Wm. 4. c. 22.

11. This Act does not extend to Scotland.

DRAFT OF A BILL FOR THE REPEAL OF CERTAIN ACTS IN CONNEXION WITH TWO ACTS OF THIS SESSION CONCERNING THE APPORTIONMENT OF PERIODICAL PAYMENTS.

Be it enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The enactments herein-after mentioned are repealed:

Title, &c. of Act.	———	Extent of Repeal.
	PARLIAMENTS OF GREAT BRITAIN AND THE UNITED KINGDOM.	
11 Geo. 2. c. 19. -	An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants.	Section fifteen.
4 & 5 Wm. 4. c. 22. -	An Act to amend an Act of the Eleventh year of King George the Second respecting the Apportionment of Rents, Annuities, and other periodical Payments.	The whole.
6 & 7 Wm. 4. c. 71. -	An Act for the Commutation of Tithes in England and Wales.	Section eighty-six.
4 & 5 Vict. c. 35. -	An Act for the Commutation of certain Manorial Rights in respect of Lands of copyhold or customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.	Section fifty.
	PARLIAMENT OF IRELAND.	
23 & 24 Geo. 3. c. 46. -	An Act for the Apportionment and more easy Recovery of Rents in certain Cases.	Sections one and two.

[An account of these enactments will be found in the introductory paper.]

2. The repeal herein contained does not extend to any cases where on the day of the passing of this Act the event has occurred, or the period has arrived, in or at which a right to receive or an obligation to pay any moneys has come into existence.

[This is of course framed on the supposition that this and the two other Bills will be passed simultaneously.]

3. This Act does not extend to Scotland.

[As to this provision see remarks at the end of the introductory paper. It may perhaps be thought proper to extend the repeal of the 4 & 5 Wm. 4. c. 22. to Scotland.]

M. I. BRICKDALE.

REPEAL OF OBSOLETE STATUTES.

The following Draft of a Bill contains a List of 118 Acts still apparently unrepealed which fall under the Class described by Lord Bacon as Acts "sleeping and not of use, but yet snaring and in force;" that is to say, Acts which it is still *possible* to put in force for Purposes of Oppression or Extortion, though there can be no Doubt that it is against the Intention of the Legislature that they are still in force; such, for instance, as the Act of the 25th of Henry VIII. c. 13, inflicting a Fine for keeping more than 2,000 Sheep.

My Part in preparing this Bill consists only of selecting these Acts from the much larger Number of Acts entered as "obsolete" in the "Expurgatory List" made by Mr. Anstey and Mr. Rogers. I have also added a short Statement of the Subject of each Act in a separate Column, in order to show that no Act is inserted about the Propriety of repealing which there can be any Doubt or Question. This Column is of course to form no Part of the Act as passed.

I think it right to acknowledge that my imperfect Acquaintance with the Statute Book does not authorize me to state positively that I have ascertained that none of the Acts in the following List have not been repealed already, but considering the very great Familiarity of my Two Colleagues with the Statute Book, I feel hardly any Doubt that they have not entered as obsolete any Act which has in fact been repealed. The Statement of the Contents of the Acts will, however, show that the whole of them are certainly obsolete, and ought to be repealed if not repealed already, so that even if any of them have been repealed already, no Harm can be done by the Repetition, and I can of course certify that they contain no other Matter besides what is represented in the Column of Observations.

Besides Acts the whole of which is now obsolete, the Bill contains some Acts which have partially expired, or have already been partially repealed, leaving only obsolete Matter unrepealed. It has been thought better to repeal these wholly (though as to Part of them such Repeal is superfluous) than to make a Repeal with Qualifications and Explanations which may leave the Extent of the Repeal a Matter of Construction, to be determined only by Critical Examination of the Act affected, and thus destroy the principal Utility of the Repealing Enactment.

DRAFT OF A BILL TO REPEAL OBSOLETE STATUTES.

Be it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that the Acts hereinafter mentioned, together with all Enactments (if any) confirming, continuing, or perpetuating the same, or any of them, are repealed.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	Observations.
Statute of Westminster the Second - 13 Edw. 1. c. 33.	Lands where Crosses be set shall be forfeited as Lands aliened in Mortmain.	- - - - -	This Act enacts that when Tenants set up Crosses on their Lands, (to obtain the Privileges of Templars and Hospitalers) the Lands shall be forfeited in the same Manner as Lands aliened in Mortmain.
Statute of Westminster the Second - 13 Edw. 1. c. 41.	A *contra formam collationis*, and a *cessavit* to recover Lands given in Alms.	- - - - -	This Act, besides Provisions against Alienation of Lands by religious Houses, enacts that if Land is given for a Chantry Light, Sustenance of poor People, or other Alms, and such Alms is withdrawn by the Space of Two Years, an Action shall lie for the Donor or his Heir to demand the Land so given in Demesne, &c.
Articuli super Chartas - 28Edw. 1. c. 5.	The Chancellor and the Justices of the King's Bench shall follow the King.	- - - - -	This contains an Enactment according to the Title, so that the King "may have " at all Times near unto " him some Sages of the " Law."
Articuli super Chartas - 28 Edw. 1. c. 20.	Vessels of Gold shall be essayed, touched, and marked; the King's Prerogative shall be saved.	- - - - -	This Act contains many Regulations as to Goldsmiths and Jewellers; that they are not to make anything in Gold or Silver below a certain Standard; not to set any false Jewels in Gold or Silver, not to re-sell any old Articles of Jewellery, &c.
5 Edw. 3. c. 14 -	Night Walkers and suspected Persons shall be safely kept.	- - - - -	Enacts that if any Man have any evil Suspicion of Roberdesmen, Wastors, or Drawlatches, they shall be incontinently arrested, &c.
Statute of Nottingham de Cibariis Utendis - 10 Edw. 3.	- - -	10 Edw. 3. stat. 3. - - -	Sumptuary Laws as to Diet.
25 Edw. 3. Stat. 5. c. 22.	He that purchaseth a Provision in Rome for an Abbey, shall be out of the King's Protection, and any Man may do with him as with the King's Enemy.	- - - - -	Enacts according to the Title against those who purchase in the Court of Rome, Provisions "d'avoir Abbaies et Priories en Engleterre."

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	Observations.
28 Edw. 3. c. 10	The Penalty of the Mayor, Sheriffs, &c. of London, if they do not redress Errors and Misprisons there; and in what counties the Trial thereof shall be.	- - - - -	The Mayor, &c. fined 1000 Marks, if "Defaults, Errors, and Misprisons" be not corrected.
37 Edw. 3. c. 15	Clothiers shall make Cloths sufficient of the foresaid Prices, so that this Statute for default of such Cloths be in no-wise infringed.	- - - - -	Enacts that Clothiers shall make Cloths of fixed Prices, with reference to preceding sumptuary Enactments respecting Dress, (since repealed by 24 Hen. 8. c. 3. and 1 Jac. 1. c. 25.)
6 Ric. 2. stat. 1. c. 9 -	No Victualler shall execute a judicial Place in a City or Town Corporate.	- - - - -	The 7 Ric. 2. c. 11. repeals all Ordinances and Statutes of Fishers, Vintners, and Victuallers made in the Fifth and Sixth Years of Richard II.; but as there are other Acts of the Sixth Year, to which the Repeal would more properly apply, it is perhaps doubtful whether this Act is thereby repealed. Its Provisions are according to the Title.
7 Ric. 2. c. 13.	No Man shall ride in Harness within the Realm, nor with Launcegays.	- - - - -	Enacts according to the Title "on pain of Forfeiture of "the Launcegays, Armours, and other Harness."
12 Ric. 2. c. 12.	In what Cases the Lords and spiritual Persons shall be contributory to the Expenses of the Knights of Parliament.	- - - - -	Directions respecting the Payment of Members out of Lands, &c.
12 Ric. 2. c. 13.	The Punishment of them which cause Corruption near a City or great Town, to corrupt the Air.	- - - - -	A Fine of 20*l.* for not removing Ordure, &c. A Writ to issue from the Chancery to compel such Removal.
13 Ric. 2. stat. 1. c. 8 -	The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of Peace, and they shall assess the Gains	- - - - -	Part of this Act is repealed by 21 Jac. 1. c. 21 and 28, and other Parts appear to be virtually repealed by the 5 Eliz. c. 4, the whole is now obsolete, and as Parts do not appear to have been

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	Observations.
	of Victuallers who shall make Horse-bread, and the Weight and Price thereof.		repealed, it seems expedient to include the Act in the present List.
17 Ric. 2. c. 4.	Malt sold to London shall be cleansed from the Dust.	- - - - -	Gives Power to Mayors, Bailiffs, &c. to search Malt, and if Default be found thereof, to make due Redress.
17 Ric. 2. c. 10.	Two learned Men in the Law shall be in Commission of Jail Delivery.	- - - - -	Enacts that in every Commission of the Peace where Need shall be, Two Men of the Law of the same County, shall be assigned to proceed to the Deliverance of Thieves and Felons as often as they shall think it expedient.
20 Ric. 2. c. 1.	No man shall ride or go armed; Launce-gays shall be put out.	- - - .. -	Confirms the Stat. 7 Ric. 2. c. 13. and enacts that no Lord, Knight, nor other, little nor great, shall go nor ride by Night nor by Day armed, nor bear Sallet nor Skull of Iron, &c.
20 Ric. 2. c. 2.	Who only may wear another's Livery.	- - - - -	None to wear Livery of Lords except menial Servants or Officers in constant Attendance.
1 Hen. 4. c. 15.	The Punishment of the Mayor, &c. of London for Defaults committed there.	- - - - -	Authorizes Remission of Part of the Penalty imposed by the 28 Edw. 3. c. 10. above mentioned.
4 Hen. 4. c. 5.	Every Sheriff shall in Person continue in his Bailiwick, and shall not let it.	- - - -	Enacts according to the Title.
4 Hen. 4. c. 10.	The Third Part of the Silver brought to the Bullion, shall be coined in Halfpence and Farthings.	- - - - -	Enacts according to the Title. The "Coignour" to be sworn to do accordingly. A Penalty imposed for melting down Coin.
4 Hen. 4. c. 25.	An Hostler shall not make Horse-bread. How much he may take for Oats.	- - - - -	Enacts according to the Title. Part only of this Act is repealed by the 21 Jac. 1. c. 28.
4 Hen. 4. c. 27	There shall be no Wasters, Vagabonds, &c. in Wales.	- - - - -	No Wasters, Rhymers, Minstrels, or other Vagabonds to be entertained in Wales.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	Observations.
4 Hen. 4. c. 29.	Welshmen shall not be armed.	- - - - -	Welshmen prohibited from carrying Arms or wearing defensive Armour on pain of Imprisonment and Fine "except such as are loyal "Lieges of our Lord the "King."
5 Hen. 4. c. 2.	The Penalty of him which procureth Pardon for an Approver that committeth Felony again.	- - - - -	The Name of the Person who procures a Pardon for a Felon who turns Approver to be entered on the "Charter of Pardon," and if such Approver commits Felony again, such Person to forfeit 100*l.*
5 Hen. 4. c. 13.	What Things may be gilded and laid on with Silver and Gold, and what not.	- - - -	Penalty of 100 Shillings for gilding Copper or Latten Locks, Rings, and other Articles enumerated.
7 Hen. 4. c. 7.	Arrowheads shall be well boiled, brased, and hard.	- - - - -	Smiths making defective Arrowheads to be fined and imprisoned. Every Arrow to be marked with the Maker's Mark.
11 Hen. 4. c. 1.	The Penalty on a Sheriff for making an untrue Return of the Election of the Knights of Parliament.	- - - -	Sheriff making an untrue Return to pay a Fine of 100*l.* to the King.
1 Hen. 5. c. 4.	Sheriff's Bailiffs shall not be in the same Office in Three Years after; Sheriff's Officers shall not be Attorneys.	- - - - -	Enacts according to the Title.
2 Hen. 5. Stat. 2. c. 4.	There shall be no gilding of Silver Ware but of the Allay of English Sterling.	- - - - -	Enacts according to the Title, and also that Goldsmiths "shall take for a Pound of "Troy Gilt but Forty-six "Shillings and Eightpence," which Part is repealed by 21 Jac. 1. c. 28.
4 Hen. 5. c. 6.	Penalty on Irish Prelates for collating an Irishman to a Benefice in England or bringing an Irishman to Parliament to discover the Counsels of Englishmen to Rebels.	4 Hen. 5. Stat. 2. c. 6. - - -	The Temporalities of Prelates so offending to be seized by the King till they have made sufficient Fine.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	Observations.
8 Hen. 5. c. 3.	What Things only may be gilded and what laid on with Silver.	- - - - -	Regulations according to the Title.
9 Hen. 5. Stat. 1. c. 10.	Keels that carry Sea Coals to Newcastle shall be measured and marked.	- - - -	Enacts according to Title "upon Pain of Forfeiture "to the King."
1 Hen. 6. c. 3.	What Sort of Irishmen only may come to dwell in England.	- - - - -	Restraints on Irishmen residing in England unless they have a Testimonial from the Lord Lieutenant, &c.
6 Hen. 6. c. 4.	The Sheriff's Traverse to an Inquest found touching returning Knights of Shires for the Parliament.	- - - - -	Altering 11 Hen. 4. c. 1. before mentioned.
8 Hen. 6. c. 22.	What is requisite to be done in winding and packing of Wool. None shall force, clack, or beard any Wool.	- - - - -	Regulations according to the Title.
11 Hen. 6. c. 1.	They that dwell at the Stews in Southwark shall not be impanelled in Juries nor keep any Inn or Tavern but there.	- - - - -	Enacts according to the Title.
8 Hen. 6. c. 18.	How much a Captain shall forfeit that doth detain any Part of his Soldier's Wages.	- - - - -	Penalty Twenty Pounds for every Spear and Ten Pounds for every Bow.
23 Hen. 6. c. 4.	Welshmen indicted of Treason or Felony that do repair unto Herefordshire shall be apprehended and imprisoned or else pursued by Hue and Cry, and a Forfeiture of those which do not pursue them.	- - - - -	Enactments according to the Title.
8 Hen. 6. c. 5.	The Penalty of the Officers of the Customs which by Colour of their Offices shall distrain any Man's Ships or Goods.	- - - - -	Gives an Action of Trespass for unlawful Charges, with a Fine of 40*l.*, if the Party aggrieved does not prosecute within Two Months, any other Person may prosecute.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
4 Edw. 4. c. 8.	No Stranger shall buy English Horns unwrought gathered or growing in London or within Twenty-four Miles thereof. Certain Powers vested in the Wardens of the Horners of London.	- -	- - -	Enacts according to the Title on Pain of Forfeiture. This Act was repealed by the 1 Jac. 1. c. 25, but revived in part by the 7 Jac. 1. c. 14.
7 Edw. 4. c. 4.	An Act for making of Tile.	- -	- - -	Contains obsolete Regulations. The 17 Geo. 3. c. 42. does not expressly repeal this Act, though it recites that the Laws regulating the Manufacture of Bricks and Pantiles "have expired, and "that there is at present no "Provision made by any "Law for that Purpose."
4 Hen. 7. c. 2.	Allaying of Gold and Silver, melting, selling, and marking the same.	- -	An Act for Finers of Gold and Silver.	Regulations for Goldsmiths and Silversmiths.
4 Hen. 7. c. 3.	Butchers shall kill no Beasts within any walled Town or Cambridge.	- -	An Act that no Butcher slay any Manner of Beast within the Walls of London.	Enacts according to the Title on Pain of Forfeiture of the Beast.
4 Hen. 7. c. 16.	The Penalty of taking more Farms than One in the Isle of Wight.	- -	An Act concerning the Isle of Wight.	None to hold Farms in the Isle of Wight beyond the yearly Value of Ten Marks.
11 Hen. 7. c. 19.	What Stuffs Upholsterers shall put in Bolsters, Featherbeds, and Pillows.	- -	An Act against Upholsterers.	Regulations according to the Title to be observed on Pain of Forfeiture.
11 Hen. 7. c. 21.	The Ability of every Man that shall be impanelled in any Inquest or Attaint in London.	- -	An Act against Perjury.	Qualification of Jurors Ten Marks. Provision for Attaint of Jurors delivering false Verdicts. The latter Part is repealed by the Abolition of the Writ of Attaint 6 Geo. 4. c. 50. s. 60.
11 Hen. 7. c. 27.	A Remedy to avoid deceitful Sleights used upon Fustians.	- -	An Act against unlawful and deceitful making of Fustians.	Fustians to be shorn only with the "broad Shears" and not with any "untrue subtle "mean, or sleight," upon Forfeiture of Twenty Shillings. Power for Manor and Wardens of Shearmen to enter and search.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
19 Hen. 7. c. 6.	Pewterers walking	- -	- - -	Regulations as to working in Pewter, Brass, and Ley Metal on pain of Forfeiture. Persons using false Weights on Sale of Pewter or Brass to be fined Twenty Shillings or set in the Stocks and Pillory. Searchers appointed.
19Hen.7. c. 10.	Sheriffs - -	- -	De voluntariis et negligentibus escapiis.	Enacts that the Sheriff of the County shall have the Custody of all common Jails. This Act contains some other Provisions which have expired, being temporary only.
3 Hen. 8. c. 14.	An Act for searching of unlawful Oils.	- -	An Act for the searching of Oils within the City of London	Master and Wardens of the Tallow Chandlers may search. Oils "deceivably mixed" to be condemned.
4 Hen. 8. c. 7.	An Act made for Pewterers and true Weights and Beams.	- -	Pur le Pewterers.	Regulations for the working and Sale of Pewter and Brass. The 19 Hen. 7. c. 6. made perpetual. Parts of this Act have been repealed by subsequent Legislation.
Hen. 8. c. 4.	An Act for avoiding deceits in Worsteds.	- -	- - -	Made perpetual by 25 Hen. 8. c. 5. Forbids "dry calendering" of Worsteds, and regulates the Trade of "wet calendering."
14 & 15 Hen. 8. c. 2.	What Apprentices strange Artificers shall take &c.	- -	The Act concerning the taking of Apprentices by Strangers.	Regulations in restraint of Aliens exercising Trades.
14 & 15 Hen. 8. c. 3.	Touching Worsted weavers of Yarmouth and Linn.	- -	The Act concerning the draping of Worsteds, Sayes and Stamins for the Town of Great Yarmouth.	Numerous regulations for the Worsted Trade. This Act is temporary, but confirmed by 26 Hen. 8. c. 16. Part is repealed by 3 Geo. 4 c. 41. Sec. 4.
14 & 15 Hen. 8. c. 12.	What Coiners shall do that make Money at any Mint in England.	- -	An Act concerning coining of Money.	Regulations as to the Proportions of different Coins that shall be made.
21 Hen. 8. c. 12.	Touching making of Cables, &c. in Burport.	- -	An Act for true making of great Cables, Halsers, Ropes, and all other Tackling for Ships &c.	All Hemp growing within Five Miles of Burport, (Bridport) Dorset, shall be sold there. No Ropes to be made there except by Inhabitants. This Act is

Title, &c. in the Quarto Edition of Ruffhead and others.		tle, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
			in the Borough of Burport in the County of Dorset.	temporary, but continued by subsequent Statutes.
21 Hen. 8. c. 16.	Touching Artificers Strangers what they may do as concerning retaining Apprentices, Journeymen, &c.	- -	An Act ratifying a Decree made in the Star Chamber concerning Strangers Handicraftsmen inhabiting the Realm of England.	Regulations in restraint of Foreigners exercising Trades.
22 Hen. 8. c. 10.	An Act concerning outlandish People calling themselves Egyptians.	- -	An Act concerning Egyptians.	All "Egyptians" coming within the Realm to forfeit their Goods and be commanded to depart on pain of Imprisonment. Justices seizing Goods to have half, &c.
24 Hen. 8. c. 10.	For the Destruction of Crows and Rooks.	- -	An Act made and ordained to destroy Choughs, Crows, and Rooks.	Every one to do his best to destroy Crows, &c. on pain of Amerciament, Twopence a Dozen to be paid for taking Crows, &c. This Act is repealed by 8 Eliz. c. 15. which is expired.
25 Hen. 8. c. 5.	For calendering of Worsteds.	- -	An Act for calendering of worsteds.	No Dyer in Norwich to be a Calenderer on pain of Forty Shillings.
25 Hen. 8. c. 9.	A Bill concerning Pewterers.	- -	An Act concerning Pewterers.	Regulations as to Sale and Manufacture of Pewter, Tin, and Brass. Part of this Act is repealed by 3 Geo. 4. c. 41.
25 Hen. 8. c. 13.	Concerning the Number of Sheep one should keep.	- -	An Act concerning Farms and Sheep.	None to keep more than 2000 Sheep on pain of Three Shillings and Four-pence, for every Sheep exceeding that Number. Regulations as to Use of Fold Courses and Quillets in Norfolk and Suffolk. None to rent more than Two Farms.
25 Hen. 8. c. 18.	An Act for Clothiers in Worcestershire.	- -	An Act for Clothiers within the Shire of Worcester.	None to make or sell Cloths except Inhabitants of certain Towns, on pain of Forty Shillings. Other Provisions of this Act are repealed by 5 & 6 Edw. 6. c. 6. Sec. 50 and 21 Jac. 1. c. 28.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
26 Hen. 8. c. 5.	For the Passage over the Severn.	- -	An Act that Keepers of Ferries on the Water of Severn shall not convey in their Ferry Boats any Manner of Person, Goods, or Chattels after the Sun going down till the Sun be up.	Keepers of Ferries to convey no Persons between Sunset and Sun-rise unless known to them, on pain of Imprisonment and Fine. May be required to enter into Bond with Sureties to convey no Persons as aforesaid.
26 Hen. 8. c. 6.	The Bill concerning Councils in Wales.	- -	An Act that Murders and Felonies done or committed within any Lordship Marcher in Wales shall be inquired of at the Sessions holden within the Shire Grounds next adjoining, with many good Orders for Administration of Justice there to be had.	This Act, besides much obsolete Matter, provides that none shall carry any Arms in any Fair, Market, or Congregation (s. 4.), nor make any Games of Running, Wrestling, &c. on pain of a Year's Imprisonment and Fine (s. 5.) &c.
26 Hen. 8. c. 16.	An Act for the making of Worsteds in the City of Norwich and in the Towns of Lynn and Yarmouth.	- -	- - -	A Confirmation of the former Act 14 & 15 Hen 8. c. 3.
2 Hen. 8. c. 13.	The Bill for the Breed of Horses.	- -	For Breed of Horses.	No Stallions under a prescribed Size to be allowed in any open Grounds where they have access to Mares. Unprofitable Mares &c. to be killed. Horses "infect with Scab or Mange" not to be put in any open Grounds under a Penalty of Ten Shillings. Portions of this Act are repealed by the 8 Eliz. c. 8. s. 2. and the 21 Jac. 1. c. 28. s. 12.
33 Hen. 8. c. 16.	A Bill for Worsted Yarn in Norfolk.	- -	An Act for Worsted Yarn in Norfolk.	None to buy Yarn in Norfolk except Weavers working within the County, on Penalty of Forty Shillings for every Pound of Yarn.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
				Other Provisions of this Act are repealed by 3 Geo. 4. c. 41. s. 4. This Act is temporary, but made perpetual by the 1 Edw. 6. c. 6.
34 & 35 Hen. 8. c. 10.	The Bill for making of Coverlets in York.	-	An Act for the true making of Coverlets in York.	None but Inhabitants of York to make Coverlets. No Coverlet-makers to be Hawkers. Wardens may search &c.
35 Hen. 8. c. 11.	The Bill for Knights and Burgesses in Wales concerning the Payment of their Fees and Wages.	-	An Act for the due Payment of the Fees and Wages of Knights and Burgesses for the Parliament in Wales.	The Wages to be levied by Rates by Sheriffs and Mayors.
1 Edw. 6. c. 6.	The Bill for the Continuance of making of Worsted Yarn in Norfolk.	-	An Act for the Continuance of making of Worsted Yarn in Norfolk.	Contains Modifications of Two Acts now repealed, 33 Hen. 8. c. 16. and 37 Hen. 8. c. 15. This Act also perpetuates the 33 Hen. 8. c. 16., and is repealed to that Extent by 3 Geo. 4. c. 41.
2 & 3 Edw. 6. c. 9.	-	-	An Act for the true currying of Leather.	Regulations as to Trade of Curriers and Shoemakers. It is said to be doubtful whether this Act is effectually repealed, though there have been several Attempts to repeal it. See Tyrwhitt and Tyndale's Digest.
2 & 3 Edw. 6. c. 11.	-	-	An Act for the true tanning of Leather.	The Observation on Chapter Nine applies to this Act also.
2 & 3 Edw. 6. c. 19.	An Act touching Abstinence from Flesh in Lent and other usual Times.	-	An Act for Abstinence from Flesh.	Penalties imposed for not observing Fish Days.
2 & 3 Edw. 6. c. 27.	The Bill against false forging of Iron Gadds instead of Gadds of Steel.	-	An Act against the false forging of Gadds of Steel.	Making or selling Gadds of Iron in Imitation of Steel forbidden. A Fine of Fourpence for every Offence.
3 & 4 Edw. 6. c. 2.	An Act for the true making of Woollen Cloths.	-	-	Regulations as to Manufacture, under Penalties. Overseers appointed. This Act is repealed by 49 Geo. 3. c. 109., except as to the Universities and the City of London.
3 & 4 Edw. 6. c. 9.	-	-	An Act for the buying of raw Hides and Calf Skins.	The Observation on 2 & 3 Edw. 6. c. 9. applies to this Act.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
3 & 4 Edw. 6. c. 10.	An Act for the abolishing and putting away of divers Books and Images.	- -	- - -	Destruction of Images, Missals, &c. directed on pain of Fine and Imprisonment. This Act was repealed by 1 Mary, Stat. 2. c. 2. which was repealed (without saving Repeals) by 1 Jac. 1. c. 25. s. 48.
5 & 6 Edw. 6. c. 6.	An Act for the true making of Woollen Cloth.	- -	An Act for the making of Woollen Cloth.	Regulations as to the Manufacture of Cloth. The Note on 3 & 4 Edw. 6. c. 2. applies to this Act.
5 & 6 Edw. 6. c. 24.	An Act for making of Hats, Dornecks, and Coverlets in Norwich and in Norfolk.	- -	An Act for the making of Hats, Dornecks, and Coverlets at Norwich and in the County of Norfolk.	Restrictions and Regulations as to the Manufacture.
7 Edw. 6. c. 5.	The Act to avoid the excessive Prices of Wine.	- -	An Act to avoid the great Price and Excess of Wines.	Price of Wine fixed. Who may sell Wine by Retail. How many Taverns to be licensed in one Town. Parts of this Act are repealed by the 1 Jac. 1. c. 25. s. 43.
7 Edw. 6. c. 7.	An Act for the Assize of Fuel.	-	- - -	The Assize of Wood and Coal for London and Westminster. None to buy Fuel to sell again. This Act is repealed as to Coal only by the 47 Geo. 3. sess. 2. c. 68. (local).
1 Mary, Stat. 3. c. 8.	An Act touching the buying and currying of Leather.	- -	- -	The Observation on 2 & 3 Edw. 6. c. 9. applies to this Act.
1 & 2 Ph. and M. c. 4.	An Act against certain Persons calling themselves Egyptians.		An Act for the Punishment of certain Persons calling themselves Egyptians.	Penalty for bringing "Egyptians" into England. Penalties on Egyptians remaining in England. So much of this Act as makes Egyptians Felons is repealed by 1 Geo. 4. c. 116.
1 & 2 Ph. and M. c. 7.	An Act that Persons dwelling in the Country shall not sell divers Wares in Cities or Towns Corporate by Retail.	- -	- - -	Enacts according to the Title as to Cloths, Haberdashery, Grocery, &c.
1 Eliz. c. 8.	- - -	- -	An Act touching Shoemakers and Curriers.	The Note on 2 & 3 Edw. 6. c. 9. applies to this Act.
1 Eliz. c. 9.	- - -	- -	An Act touching Tanners and the selling of tanned Leather.	The Note on 2 & 3 Edw. 6. c. 9. applies to this Act.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
1 Eliz. c. 15.	An Act that Timber shall not be felled to make Coals for burning of Iron.	- - -	An Act that Timber shall not be felled to make Coals for the making of Iron.	Enacts according to the Title as to Timber within 14 Miles of the Sea, and certain navigable Rivers, Sussex and the Wealds of Kent and Surrey excepted.
5 Eliz. c. 8. -	- - -	- -	An Act touching Tanners, Curriers, Shoemakers, and other Artificers, occupying the cutting of Leather.	Doubts are entertained as to whether this Act has been effectually repealed. Its Provisions are obsolete.
8 Eliz. c. 8. -	An Act for the repeal of a Branch of a Statute made anno 32 H. 8, touching the Stature of Horses.	- -	An Act for the Repeal of a Branch of a Statute made anno 32 H. 8, for the Stature of Horses within the Isle of Ely, and other Places confining thereunto.	Part of 32 Hen. 8. c. 13 repealed. Other Regulations made as to Size of Stallions.
8 Eliz. c. 9. -	An Act to repeal a Branch of the Statute made in the Twenty-third Year of King Henry the Eighth, touching the Prices of Barrels and Kilderkins.	- -	An Act to repeal a Branch of a Statute made anno 23 H. 8, touching the Prices of Barrels and Kilderkins.	Repeals Part of 23 Hen. 8 c. 4. and enacts that the Prices of all Barrels, &c. for Ale, Beer, and Soap, shall be fixed by Mayors and Justices.
8 Eliz. c. 10.	An Act for Bowyers	-	An Act for Bowyers, and the Prices of Bows.	Regulations as to the Manufacture and Price of Bows.
8 Eliz. c. 12.	An Act for the Aulneger's Fees in Lancaster, and for Length, Breadth, and Weight of Cottons, Frizes, and Rugs.	- -	An Act for the Aulneger's Fees in Lancashire, and for Length, Breadth, and Weight of Cottons, Frizes, and Rugs.	Regulations in Accordance with the Title.
23 Eliz. c. 5.	An Act touching Iron Mills near unto the City of London, and the River of Thames.	-	- - -	No Wood to be cut for Iron Manufacture within 22 Miles of London or of the Thames, or Four Miles from the Sussex Downs.
23 Eliz. c. 8.	An Act touching the true making, melting, and working, of Wax.	- -	An Act for the true melting, making and working of Wax.	Regulations as to the Manufacture and Sale of Wax and Honey, with Penalties. So much of this Act as prescribes the Measure by which Honey shall be sold is repealed by the 5 Geo. 4. c. 74, § 23.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
27 Eliz. c. 19.	An Act for the Preservation of Timber in the Wealds of the Counties of Sussex, Surrey, and Kent, and for the Amendment of Highways decayed by Carriages to and from Iron Mills there.	- -	- - -	No new Iron Mills to be erected in the Counties mentioned, except on Owners own Freehold. No Timber to be cut for Use of Iron Mills. Owners of Iron Works to keep the Roads in Repair.
35 Eliz. c. 9.	An Act touching the Breadth of Plunkets, Azures, and Blues, and other coloured Cloths, made within the County of Somerset, or elsewhere of like making.	- -	An Act touching Breadth of Cloths.	The 49 Geo. 3, c. 109 repeals this Act, except as to the Universities and the City of London.
1 Jac. 1. c. 6.	An Act made for the Explanation of the Statute made in the Fifth Year of the late Queen Elizabeth's Reign concerning Labourers.	- -	- - -	Rates of Wages to be fixed by Justices.
1 Jac. 1. c. 20.	An Act for redress of certain Abuses and Deceits used in painting.	- -	- - -	No Plasterer to be a Painter in London. Rate of Wages of Painters and their Servants fixed at Sixteen Pence a Day.
3 Jac. 1. c. 9.	An Act for the Relief of such as lawfully use the Trade and Handicraft of Skinners.	- -	- - -	Merchants not to buy or sell Coneyskins and Lambskins except in large Parcels. None but regular Skinners may take Servants or Apprentices. Other Parts of this Act are repealed by 3 Geo. 4. c. 41. § 4.
3 Jac. 1. c. 16.	An Act for the Repeal of One Act made in the Fourteenth Year of Queen Elizabeth's Reign, concerning the Length of Kersies.	- -	- - -	Regulations as to to Manufacture of Kersies.
3 Jac. 1. c. 17.	An Act concerning Welsh Cottons.	- -	- - -	Welsh Cottons exempted from being sealed, searched, or tried; and a Penalty of £5 imposed on any Person who shall search or try such Cottons.

Title &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
4 Jac. 1. c. 2.	An Act for the true making of Woollen Cloth.	- -	- - -	The 49 Geo. 3. c. 109 repeals this Act, except as to the Universities and the City of London. It contains obsolete Regulations as to the Manufacture.
4 Jac. 1. c. 6.	An Act for repealing of so much of One Branch of a Statute made in the First Year of His Majesty's Reign, intituled "An Act concerning Tanners, Curriers, Shoemakers, and other Artificers occupying the cutting of Leather," as concerneth the sealing of Sheepskins, and to avoid selling of tanned Leather by Weight.	- -	- - -	Part of 1 Jac. 1. c. 22 repealed. No tanned Leather to be sold by Weight, on pain of Forfeiture.
21 Jac. 1. c. 18.	An Act for Continuance of a former Act, made in the Fourth Year of the King's Majesty's Reign of England, &c. intituled "An Act for the true making Woollen Cloths," and for some Additions and Alterations in and to the same.	- -	An Act for Continuance of a Statute made for the making of woollen Cloths.	This Act is repealed by the 49 Geo. 3. c. 109, except as to the Universities and the City of London. It contains only obsolete Regulations as to Manufacture.
21 Jac. 1. c. 21.	An Act concerning Hostlers and Innholders.	- -	- - -	Hostlers and Innholders not to make Horsebread, and to sell Provender according to Market Rates.
12 Car. 2. c. 32.	An Act for prohibiting the Exportation of Wool, Wool Fells, Fullers Earth, or any Kind of scouring Earth.	- -	- - -	Enacts according to the Title.
13 & 14 Car. 2. c. 18.	An Act against exporting of Sheep, Wool, Woolfells, Mortlings, Shorlings, Yarn made of Wool, Wool-	14 Car. 2. c. 18.	- - -	Enacts according to the Title.

Title &c. in the Quarto Edition of Ruffhead and others.		Title &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.		Observations.
	flocks, Fullers Earth, Fulling Clay, and Tobacco Pipe Clay.	- -	- -	
5 W. & M. c. 13.	An Act to repeal the Statute made in the Tenth Year of King Edward the Third for finding Sureties for the good abearing by him or her that hath a Pardon of Felony.	5 & 6 W. & M. c. 13.	- -	After repealing the stat. of Edw. 3. which requires Six Sureties, this Act enacts that Justices may require any One who pleads a Pardon to find Two Sureties for good Behaviour for Seven Years.
9 Will. 3. c. 40.	An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fullers Earth, and Scouring Clay.	- -	- - -	Enacts according to the Title.
10 Will. 3. c. 2.	An Act to prevent the making or selling of Buttons made of Cloth, Serge, Drugget, or other Stuffs.	- -	- - -	Enacts according to the Title (with the Addition of Wood Buttons,) for the Encouragement of the makers of Silk, Mohair, Gimp, and Thread Buttons with the Needle.
1 Anne, stat. 1 c. 21.	An Act for preventing Frauds in the Duties upon Salt and for the better Payment of Debentures at the Custom House.	1 Anne c. 15.	- - -	Numerous Regulations respecting the Manufacture, Use, and Sale of Salt. So much of this Act as relates to the Weight and Measure of Salt is repealed by the 5 Geo. 4. c. 74.
4 Geo. 1. stat. 1. c. 7.	An Act for making more effectual an Act made in the Eighth Year of the late Queen Anne intituled "An Act for employing the Manufacturers by encouraging the Consumption of Raw Silk and Mohair Yarn."	- -	- - -	No Buttons or Button-holes made of Cloth, Serge, Drugget, or other Stuffs to be made, sold, or used under Penalties.
7 Geo. 1 c. 12.	An Act for employing the Manufacturers and encou-	- -	- -	Enacts according to the Title, under Penalties.

Title &c. in the Quarto Edition of Ruffhead and others.		Title &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	Observations.
	raging the Consumption of Raw Silk and Mohair Yarn by prohibiting the Wearing of Buttons and Button-holes made of Cloth, Serge, and other Stuffs.		
11 Geo. 2. c. 28.	An Act for the better regulating the Manufacture of narrow Woollen Cloths in the West Riding of the County of York.	- - - - -	Regulations as to Manufacture with Penalties.
10 Geo. 3. c. 49.	An Act for continuing and amending several Acts for preventing Abuses in making Bricks and Tiles.	- - - - -	The principal Part of this Act consists of Alterations of certain temporary Acts now expired, but the Second Section enacts that all Clay shall be turned at least once between the First of February and the beginning of making Bricks, under a Penalty of Ten Shillings a thousand.
17 Geo. 3. c. 42.	An Act for preventing Abuses in the making and vending Bricks and Tiles.	- - - -	Size of Bricks and Tiles, and of Sieves for screening Sea Coal Ashes regulated under Penalties. The Acts repealing the Excise Duties on Bricks and Tiles (3 & 4 Wm. 4. c. 11. and 13 & 14 Vict. c. 9.) contain no Repeal of these Regulations and Penalties. This Act also contains Penalties for engrossing Bricks and Tiles, now repealed by the 7 & 8 Vict c. 24.

M. I. BRICKDALE.

Considerations on the Propriety of extending the Principles of the Consolidated Clauses Acts, Interpretation Clauses, and similar Expedients for attaining Brevity or Uniformity in Acts of Parliament.

In the Memorandum which the Lord Chancellor read at the First Meeting of the board on the 31st of March 1853, his Lordship desired us to bear in mind "that in addition to the object of rendering the existing Statute Law clear and "consistent, there was another object equally important, namely, to establish "as far as possible such systematic Rules as might insure a like consistency and "clearness in future Legislation;" and Mr. Ker, in the letter which he addressed to his Lordship on the 20th of May 1853, reported that "the attention "of all parties had been turned to the consideration of what Improvements "might be introduced in the mode of framing and passing future Statutes, and "especially to the consideration of the different Clauses-Consolidation Acts, "with a view to the question whether they might not be rendered more "complete, and whether the principle on which they are based might not be "extended."

Mr. Ker also in his First Report, dated the 12th of August 1853, after referring to the great saving of trouble and expense which had been effected by the system of Consolidated Clauses Acts, observed that "one of the first acts of the Board should be a careful revision of the whole of the class of Acts referred to, and that it should be considered how far they might be simplified or extended, and that similar general provisions on many subjects frequently occurring in Public Acts might be prepared; as, for instance, general Forms for Recovery of Penalties and Modes of Appeal in different cases, on the plan of the two Statutes 11 & 12 Vict. c. 42 and 43," &c.; adding, that "something of this kind, "to a certain extent, had been attempted, though unsuccessfully, in the 13 & "14 Vict. c. 21," (the Act for shortening the Language used in Acts of Parliament.)

The foregoing extracts have been made in order to show that an enquiry into the subjects to which they refer is not only within the scope of the commission with which the board was entrusted, but has even been particularly pointed out for its consideration. It is indeed evident that an enquiry whether any general improvements in the form of the statute law are practicable, either by direct legislation or otherwise, must necessarily precede all other attempts relating to future laws on which a board can be employed. It is evident, also, that no valuable reform can be expected if erroneous views are entertained on these preliminary questions.

The modern expedients referred to in the passages above cited are of four very different kinds:

I. The System of Consolidated Clauses Acts:

II. The System of "Interpretation Clauses" and "Short Titles:"

III. The System of attempting by Enactment to control the language to be used in future Acts:

IV. The System of enacting Rules of Construction.

I. The Consolidated Clauses Acts were devised and passed to meet an emergency. The rapid growth of the system of Railways and other public works requiring special Parliamentary powers, had produced an increase of voluminous and irregularly drawn private Acts which was quite overwhelming, and it had become absolutely necessary to provide some remedy for the evil. As contrasted with the practice of giving all requisite powers at full length over and over again in every case of a Railway or other similar Bill, the Consolidated Clauses were of the greatest utility, and they have been accepted by the Public as a valuable invention. They are moreover (though rather diffuse in style, and I suppose not absolutely free from errors) executed on the whole in a masterly way. But without disputing the merit or success of these Acts, particularly as contrasted with the state of things previously existing, I still venture to express doubts whether the principle on which they are based is sound, and whether results equally or more beneficial might not have been obtained by a different course of Legislation more simple and correct in theory.

It will not be denied that in Legislation the course which is most simple and correct in theory is also most likely to work well in practice. No one can see very far into the probable operation of a new and untried measure; but even

where no difficulties can be distinctly stated, it may fairly be argued that a measure which is inartificial in its design, and appears to violate principles which are plainly true and reasonable, is likely to lead to confusion in unforeseen cases; and I would consequently submit that the following comments on the principle of the Consolidated Clauses Acts are worth consideration (especially when the question is whether that principle shall be adopted and extended to other cases), although they may seem at first to be only unpractical refinements. The greater the difficulty of foreseeing the complication of events in which it will be required to work, the greater the importance of making sure of the only thing that we can make sure of before experience, namely, that our machinery is scientifically correct and complete.

In the first place, then, it is to be observed that the Consolidation Acts do not really dispense with the necessity of enacting all the requisite Provisions over and over again in every case; they merely provide a compendious way of doing so, and insure that all shall do so in the same form. It is obvious that every Railway Act really consists of the Special Act and the General Act which is incorporated with it. It is in fact not accurate to call the Consolidated Clauses Acts *Laws* at all; standing alone, they have no subject, and no operation. They are merely common forms, put upon the Statute Roll as a convenient way of recording and publishing them; but it is evident that they might be incorporated by reference in the Special Acts, without having been passed by Parliament at all. They would have done as well if they had been enrolled in Chancery, or printed by authority of the Board of Trade, or identified in any other way. Identification was all that was essential.

There may no doubt have been practical reasons which made it impossible to provide the necessary remedy by other means; but I own that they are not apparent to me; and until they are produced, I would submit that looking abstractedly at the evil which required remedy, namely, the sudden growth of important public bodies, wanting certain powers which the existing law did not give them, the simplest and best course would have been to give those powers to such bodies once for all, instead of giving them over and over again in each particular case, even with a contrivance by which the *apparent* length of the Special Act was materially diminished. "The right way to ensure "brevity is so to settle the law that there shall be but little to say. The method "of the Consolidation Acts in question is, to leave it still necessary to say a "great deal, but to provide an abridged way of saying it. This method in its "nature is more likely to lead to confusion, and to unintended results, than "the other; and it is observable that the first of the Consolidation Acts, the Gene-"ral Inclosure Act, is framed on the contrary principle." (First Report, p. 185).

I submit, then, that the objects of the Consolidated Clauses Acts might have been attained by general enactments, declaring once for all that every Railway Company, every Gas Company, &c. sanctioned by Parliament, should have such and such powers, and be subject to such and such restrictions. This is the way in which other enabling or restraining Acts have been drawn; and the Consolidated Acts are in their nature enabling and restraining Statutes; they were framed to meet the new wants of a new kind of property. If the Statute enabling tenants in tail to grant leases for twenty-one years had done so by enacting that all settlors might incorporate that Statute by reference into their settlements, and then enacting that all tenants in tail, under settlements incorporating that Act, might grant leases for twenty-one years, I think it would be considered that it had effected its object in a somewhat clumsy manner; yet that is the principle on which the Consolidated Clauses Acts are framed, though of course I do not mean that it is so obvious a case.

I am aware of the supposed advantage of being able to incorporate parts only of the Consolidated Clauses Acts in the special Act, and that it may be said that if there were a general enabling and restraining Act, each special Act would have to contain so many exceptions from it as would be very inconvenient. I do not however think that either of these arguments has much weight. With respect to incorporating only the provisions required, it may be answered that if there were a General Act containing all the powers and all the restrictions which it is proper to allow to, and to impose upon, any ordinary Railway Company (for instance), it would be quite immaterial if some or any number of those powers or restrictions were *inapplicable* to any particular company; it would cause no inconvenience or doubt whatever. Suppose, for instance, a

Railway

Railway Company which did not require any powers to take Lands compulsorily, having completed agreements for the whole line, I do not see what inconvenience or doubt could arise from the circumstance that the General Act empowered Railway Companies which *did* require to take lands compulsorily, to do so under specified conditions. As to the objection that if there were only General Acts the exceptions would become too voluminous, I think it suggests a consideration which is rather in favour of my view than against it; for it may be doubted whether it is right to allow a particular Company to have greater powers, or to be more exempt from restrictions than other Companies of the same description, without a distinct statement of the fact on the face of their Act. A Company may now be exempted from a usual and proper restriction by merely omitting to incorporate it by reference.

It may further be observed, that the method of incorporating by way of reference, seems particularly likely to produce imperfect drawing, and becomes more so as the number of Consolidated Clauses Acts increases; it is now quite possible to incorporate in a Special Act two sets of provisions from different Consolidating Acts, inconsistent with each other, which both become applicable to one event; and I believe that mistakes of this kind have in fact occurred in practice. In these cases any inconsistencies or omissions from faulty incorporation are particularly dangerous, because they are quite latent, and little likely to be detected till too late; and this form of Legislation also makes it impossible to derive any assistance from context in reconciling apparent discrepancies, or deciding which shall prevail of two conflicting provisions, both incorporated.

Where partial Incorporation is intended there is also considerable risk of uncertainty as to the exact amount of the General Act that is taken; for instance, the fifth section of the Lands Clauses Act declares that it shall be *sufficient* to incorporate matter by reference to "the words introductory to the Enact-"ment with respect to such matter." Now there is a very important section, the 123d, declaring that powers for compulsorily taking lands shall expire at the end of three years, which has no introductory Clause proper to it, but comes under the division of Enactments "with respect to *Lands subject to Leases*." This seems to raise a very difficult point of construction in the case of Special Acts which incorporate the provisions of the Lands Clauses Act "with respect to lands subject to leases." Will those words incorporate the 123d section or not? It is not declared that reference to the introductory clause shall incorporate all that falls locally under that clause, but only that it shall be *sufficient* to incorporate by reference, &c.*

I do not however pretend to criticise the Consolidated Clauses Acts in detail; and by the suggestion of difficulties few in number and not perhaps very important, I have probably rather weakened than strengthened the impression which I wish to produce. The position which I wish to establish is founded on general considerations, and does not require to be supported by the actual production of cases in which the faulty principle has produced practical inconvenience, nor even by a demonstration of the way in which inconvenience is likely to arise from it; I merely rely on the rule to which I have already referred, that where there are two schemes, one of which appears to accord with correct and scientific principles, and the other to violate such correct principles, it is likely that the latter will break down in the working rather than the former; and that it is particularly important to keep this rule in mind in the case of Legislation, where it is so impossible to foresee all the complications and emergencies on which any measure may one day have to operate.

Without meaning to propose that the existing Consolidated Clauses Acts should be interfered with at present, I therefore submit that for the reasons

* The following is the text of the 5th Section: "And whereas it may be convenient in some Cases to incorporate with Acts of Parliament hereafter to be passed some Portion only of the Provisions of this Act: Be it therefore enacted, That, for the Purpose of making any such Incorporation, it shall be sufficient in any such Act to enact that the Clauses of this Act with respect to the Matter so proposed to be incorporated (describing such Matter as it is described in this Act in the Words introductory to the Enactment with respect to such Matter) shall be incorporated with such Act, and thereupon all the Clauses and Provisions of this Act with respect to the Matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if the Substance of such Clauses and Provisions were set forth therein with reference to the Matter to which such Act shall relate."

above stated it is not in this direction that a principle is to be found on which to base a systematic improvement of the Statute Law.

Before leaving this part of the subject, I should mention, to avoid misapprehension, that the remarks which I have made on the Consolidated Clauses Acts have no application to the class of Acts "making general provisions on subjects frequently occurring in Public Acts, on the plan of the two Statutes 11 & 12 Vict. chapters 42 and 43," to which, as well as to the Consolidated Clauses Acts, Mr. Ker called attention in the passage of his First Report already quoted.—This class of Acts, so far from being of the same nature as the Consolidated Clauses Acts, are rather instances of the contrary principle of Legislation, of which I have endeavoured to show the superiority.

II. The next class of modern expedients for attaining brevity is the use of Interpretation Clauses and "Short Titles." The Act of 13 & 14 Vict. c. 21. "for shortening the Language used in Acts of Parliament," contains (among other things) some "Interpretations" applicable to all future Acts, and it has now also become an almost universal practice to insert a list of "Interpretations" in every particular Act.

By the term "Interpretations" I do not mean *Definitions* of *ambiguous words*. On the propriety or necessity of defining words which are really ambiguous a few observations will be found in a subsequent page; but the "Interpretations" to which I now refer are not Definitions, but (so far as they are not merely superfluous) arbitrary meanings attached to particular words for the particular purposes of the Act in which they are contained, with the intention of avoiding the necessity of using long phrases or enumerations of particulars by using a brief conventional symbol in their place.

The observations which I have to submit with reference to this system are the following:—In the first place, it seems to me that this practice of Interpretations is seeking the improvement of the Statute Law in a mistaken direction. An opinion seems to be prevalent, that the desideratum is the invention of a kind of *Parliamentary Short-hand;* a merely material brevity of words and letters. At least, it is not easy to see any other motive for such Enactments as that the word "Land" shall mean "Hereditaments," beyond the fact that the former word contains only four letters and the latter thirteen; unless with reference to this consideration, it would seem more simple and natural to *say* "Hereditaments" at once, where Hereditaments are meant, than to say "Lands," with an explanation, that though the Legislature says "Lands" it means "Hereditaments."

I confess that to me such considerations appear merely puerile; and since, if they are of any importance, they ought at least to be followed out on a large scale, I am using only a serious argument in saying that general Enactments authorizing or directing the habitual omission from Acts of Parliament of all the Articles and other unimportant words, and the use of the technical abbreviations customary among writers of legal documents, or even of a complete Short-hand, would seem to be more useful, and quite as proper and reasonable, as an Enactment like that already mentioned, providing that "Lands" shall mean "Hereditaments;" and would moreover be free from a rather serious objection of ambiguity, to which that particular "Interpretation" is liable, which will be noticed further on. I submit that Acts of Parliament, like all other compositions, are to be written in complete, plain, grammatical English; and should be intelligible of themselves, without reference to anything in the nature of a Key; and that no expedients for effecting brevity, which are inconsistent with this position, ought to be attended to. Probably it will be said that nobody denies this proposition; but it is certain that many of the "Interpretations" in modern Acts of Parliament cannot be traced to any other motive than that which I have mentioned,—the desire to invent a Short-hand,—a Symbol to express the writer's meaning within a smaller space than the English Language affords the means of doing.

2. There would be better reason for following the practice objected to in the preceding paragraph (though still not sufficient to justify it,) if our language were such that a great number of words were really necessary to express our ideas. This, however, is far from being the case; any one who will take sufficient pains in the choice of words may draw an Act of Parliament as concisely as can be desired, without the assistance of any "Interpretations" at all; and I cannot help making here a passing observation on a singular inconsistency exhibited

exhibited by many modern Acts of Parliament, which, while they contain one of these elaborate contrivances to save a total of one or two lines, display in all other respects an habitual disregard of close or careful expression, which probably doubles or triples their length.

3. It is rather singular to observe the growth of this practice. An "Interpretation" was probably at first the resource of some hasty draftsman, who, not having time or inclination to weigh carefully the import of some word which he had used in the course of his Bill, thought to save himself by introducing a particular declaration of what he meant by it. This, which when first used must certainly have been considered an awkward, even if a safe contrivance, has now become so universal, that draftsmen appear to think that an "Interpretation Clause" is a necessary part of every Bill, and begin, as a matter of course, by thinking which words they shall "interpret," whether anything is gained by it or not.

4. In addition to the objections urged in point of principle, it may be observed, that in point of fact (as any one may satisfy himself by examination,) at least one half of the "Interpretations" in most Acts are altogether superfluous; that is to say, the word interpreted as used in the Act could have no other meaning to any reasonable reader than that attributed to it in the Interpretation Clause; and of the remainder of the Interpretations a considerable proportion merely provide an elaborate way of saying what might be more clearly and briefly said by properly selected words, without resorting to any such contrivances. In the First Report, p. 186, will be found an examination of the Interpretation Clause of the Lands* Clauses Act, which will I think confirm this assertion; particularly when it is considered that that Act, so far from being an exceptional one, or the work of a timid or inexperienced draftsman, is both ably drawn, and belongs to a series which have been most favourably received by the public.

5. The "Short Titles" are in some respects convenient, but the way in which the convenient result is obtained seems very inartificial. First we have a long Title, and then an Enactment that instead of that long Title we may use a Short Title. There seems to be no reason (at least in principle) why the Short Title should not be prefixed to the Act in the first instance; though the practice of the Houses of Parliament which requires the Titles of Bills to indicate the whole of their contents, might in some cases cause a difficulty, which, however, might be easily removed by having a Title to the Bill which should be no part of the Act, as "a Bill to consolidate in One Act certain Provisions, &c. entitled The Lands Clauses Act 1845." Some inconveniences arising from the use of Short Titles in their present form have been pointed out by Mr. Coode in the First Report, p. 26; one of these is, that as these Short Titles do not specify the Chapter, the Act cannot be readily turned to in the Statute Book. As in the case of Interpretation Clauses, we find that Short Titles have also become a fashion, and are introduced whether needed or not; for instance, we find in an Act intituled "An Act to confirm certain Provisional Orders of the General Board of Health" (15 & 16 Vict. c. 69,) a section enacting that "in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures The Public Health Supplemental Act 1852 (No. 2.)," thus encumbering the Statute Book with an additional clause for the sake of providing a "Short Title" which is just as long as the other.

6. In the objections above urged against Interpretations, it has been assumed that the terms "interpreted," and used for the supposed attainment of brevity, are symbols, insignificant in themselves. But a further and serious objection arises from the fact that the words to which arbitrary meanings are thus annexed have also meanings of their own, different from those arbitrary meanings;—different by hypothesis,—for if the two meanings are identical, Interpretation is altogether superfluous.

Hence there is a perpetual risk both on the part of the Framer and of the Reader of the Bill, of taking the word in its natural instead of its arbitrary sense, and thus either enacting what was not intended, or misunderstanding the Enactment. The most common practice is to declare that the name of a Species shall mean the Genus to which it belongs, as in the case already cited of "Lands" meaning "Hereditaments." This seems particularly dangerous, for

* There called the Railway Clauses Act by mistake.

of course the slighter the difference between the word "interpreted" and the arbitrary meaning attached to it, the greater the probability of error.

It seems plain that it is an evil and an inconvenience, and a likely source of confusion, that one should have to read an Enactment, bearing constantly in mind that he is not to construe it from his general knowledge of English, but with reference to a particular list of Interpretations framed for the occasion.

As an instance of the confusion of language and ideas likely to be caused by these contrivances, may be mentioned the suggestion lately thrown out half seriously by Lord Justice Knight Bruce, that as the Singular is now (by the 13 & 14 Vict. c. 21,) in all Acts to include the Plural, a Local Act empowering a Company to build *One* Market may perhaps authorize them to build *Two*. (Richards *v.* Scarborough Market Company, 23 Law Journal 110.) Certainly one cannot say that there is anything in the context repugnant to such a construction; that is to say, if the Local Act *had* authorized the Company to build two Markets, there would have been nothing contradictory or ambiguous on the face of it.

The sum of the foregoing comments on this head of the subject seems to lead to the conclusion that the system of Interpretation Clauses is to be altogether condemned, as faulty both in principle and in practice; often dangerous, and at best useless; and that until it is abandoned, it is not to be expected that a really sound and plain style of drawing Acts of Parliament will be established.

III. The third of the modern expedients for improving the style of the Statutes above enumerated, is the attempt to establish by Act of Parliament the use of certain formal Rules of Expression in future Acts of Parliament, the uniform observance of which would, as is supposed, produce advantageous results. This system may be termed that of *Statutory instructions to Draftsmen*. Some of the provisions of the Act of 13 & 14 Vict. c. 21, "for shortening the Language used in Acts of Parliament" are enactments of this description; as the second section, which enacts "that all Acts shall be divided into sec- "tions, if there be more enactments than one;" and the third section, which provides that Acts may be referred to by naming the Year and Chapter and Section, without reciting the Title. I have already made some comments on these Enactments in the First Report, p. 188, and it is unnecessary to repeat the particular criticisms which I have there ventured to make on them; but I did not there state, at least not fully, the reasons which made me think it right to comment on them at all, and the grounds for the objections which I expressed to the system of which they are an example. Though the results aimed at by the two sections referred to are not important, the practice which they are intended to enforce is certainly not *seriously* objectionable; on the contrary (subject to one or two observations which need not be inserted here,) it appears, so far as it goes, a desirable one. I should therefore not have thought it necessary or right to make any reference to them, if it had not been that they appeared in the form of an experimental first step, in a direction in which it seems to me very unadvisable to proceed. It seems to me that to put what I have termed Instructions for Draftsmen on the Statute Roll, is entirely to mistake the proper objects of Legislation. It may be said that this is at least a way of promulgating a Code of Rules which is likely to ensure for them publicity or general observance; but even if this were the fact (though it does not seem to be the fact, for the Rules referred to, as well as the other provisions of the Act in which they are contained, have been extensively disregarded by subsequent draftsmen,*) I would, on the grounds above urged with reference to the Consoli-

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*—The following instances in support of the observation in the text will be found within the first fifty Acts of the Session 14 & 15 Vict., the very next Session after the Act in question was passed.

c. 2. disregards the second Section, which dispenses with the use of "introductory Words" to each Section.
c. 7. disregards the third Section, which makes it unnecessary to give the *Title* of recited Acts.
c. 12. Ditto.
c. 14. Ditto.
c. 19. contains Interpretations of "Lands" and "Month" and as to Number and Gender, disregarding the like Interpretations on the fourth Section.
c. 17. disregards the third Section, by reciting a Title.
c. 18. Ditto.
c. 19. Ditto.

dated

dated Clauses Act, submit that such a consideration is not sufficient to justify the following a plan which is manifestly contrary to rational principles. The promulgation, as Laws, by an "omnipotent" Legislature, of rules which are to govern itself with regard to the language which it is itself to use hereafter in expressing its own will, is necessarily nugatory. Such Laws bind nobody; there is nobody who can be punished for violating or neglecting them; and Acts passed in entire disregard of them will be exactly as valid as before.

It is no answer to say that these Laws are permissive or directory, and not compulsory; it is just as unreasonable for the Legislature to give itself a permission which it does not need, as to give itself an order which it need not obey.

If, however, the permission thus given is not a permission to employ a useful form of expression which might be intelligibly and properly employed without such express permission, but a permission to use a symbolical form not in itself sufficiently significant, then, though such an Enactment can no longer be condemned as nugatory, it falls under another class of objections, those which have been already urged against the abuse of "Interpretations." If a reference to Acts of Parliament by the Year and Chapter and Section is not an intelligible and precise reference, the practice of referring to them in that way is a bad practice, and ought not to be enforced or encouraged at all. If it is intelligible and precise, no Law is needed to declare that what is intelligible shall be understood, and what is precise shall be sufficient; unless indeed there be in existence a Rule of Construction which compels Judges to ignore the ordinary effect of language, which was not the case here.

IV. The last remark leads us to the fourth of the above-mentioned plans for the Improvement of the Statutes—the enactment of Rules of Construction. There are two very different processes which both fall under this head; one is the Repeal or Amendment of existing bad Rules, which are so firmly established that nothing less than an Act of Parliament can eradicate them; a process which is or may be useful or necessary, and on which a few observations will be found in a subsequent page. The second of these processes is one, of which two instances present themselves in the fifth and sixth sections of the Act of 13 & 14 Vict. c. 21, already so often referred to, and on which, for the same reasons which have induced me to venture on some observations on other parts o that Act, I think it right to offer here a few further remarks, in addition to those which will be found in the First Report (p. 190). The process to which I now refer is that of abrogating an existing Rule of Construction, not on the ground that is is bad and irrational, but merely because it has been found by experience that careless draftsmen are apt to forget it, or because its existence (though natural and rational) makes it necessary in Acts of Parliament to say something which might be omitted if the Rule did not exist. In furtherance of this object, the fifth section of the above mentioned Act provides, that where any Act repealing a former Act is itself repealed, such last repeal shall not revive the Act before repealed; and the sixth section enacts, that wherever an Act repeals a former Act, and substitutes some provisions in its place, the provisions repealed shall remain in force until the substituted provisions come into operation by force of the last made Act. It is however submitted that the latter at least of the Rules of Construction interfered with or abrogated by these Sections is in accordance with just principles, and founded on the natural laws of reason and language, and with regard to the former of them, even admitting that the natural effect of a

c. 20. contains only one Section, though it seems to contain "more Enactments than one," violating the second Section.
c. 21. disregards the third Section, by reciting a Title.
c. 27. Ditto.
c. 29. Ditto.
c. 33. violates the second Section by not being divided into Sections, though containing more Enactments than one.
c. 34. has an "Interpretation" of "Lands" and as to Number and Gender, notwithstanding the fourth Section. Disregards the third Section, by reciting a Title.
c. 35, disregards the third Section, by reciting a Title.
c. 41. violates the second Section by not being divided into Sections, though containing more Enactments than one.
c. 42. disregards the third Section, by reciting a Title.
c. 44. Ditto.

revocation of a revocation is not in all cases to revive the original document, yet at least the contrary is not in all cases its natural effect; and the proper way of performing such an operation is to take care in each case to accompany it by an explanation which shall prevent ambiguity; but it seems that draftsmen in repealing an Act have sometimes forgotten to declare that they do not by such repeal mean to revive the Acts thereby previously repealed; and when they do remember to make such a declaration, it adds about a dozen words to the length of the repealing clause; and in like manner draftsmen repealing an Enactment absolutely, and providing new machinery in its place, have sometimes by inadvertence left a gap between the expiration of the old law and the commencement of the new; and it was thought that the bad consequences of these acts of negligence, and also the necessity of making the exception as to Repeals, might be done away with by the Enactments contained in these Fifth and Sixth Sections. But I would submit that contrivances intended to neutralize by anticipation the effects of carelessness must necessarily be futile. If draftsmen are to be careless, what reason is there to suppose that their carelessness will take one direction rather than another? If they were careless in dealing with the old law they will be careless in dealing with the new.

It must be admitted that it is for the benefit of the careless alone that provisions of this kind are made. To a careful man, who knows the Law and keeps it present to his mind, it is at least indifferent whether the rules of construction in question are one way or the other, except indeed that he is likely to be puzzled and hampered by rules which put an artificial meaning on words in place of the natural one;* and it may fairly be asked, if once we are to begin legislating on the principle that the framing of Acts of Parliament is to be committed to incompetent persons, or that men are in the habit of saying what they do not mean, and that it is expedient to anticipate their mistakes by affixing an unnatural meaning to the phrases which they are likely to use, where is such a system to end, and to what is it likely to lead us? If a familiar illustration may be used, this kind of Legislation seems like trying to prevent a negligent chemist from selling wrong medicines, by transposing the labels.

It is not, however, the particular objections to the several expedients now in favour that it is most important to urge. Those expedients could never have been resorted to, had it not been for the existence of an assumption or notion which is fundamentally wrong, and which must be dismissed before any safe and reasonable course of amendment can be entered upon; namely, the notion that in the question of Statute Law Reform there is some problem to be solved—some secret to be discovered—a royal road to be invented; whereas the fact is, that there is no such secret, and that brevity and perspicuity in Acts of Parliament are to be attained only as they are to be attained in all other compositions, by observing the rules of grammar and logic. This position seems little more than a truism when plainly stated; yet on consideration it will appear evident, that unless it had been overlooked, the projects for attaining brevity, on which I have above commented, would never have been devised; and as far as I can judge, it is still in this direction that most of those who take an interest in the formal improvement of the Statutes are looking. The most useful contribution that can at present be made to the cause is an earnest assertion that so long as the public continue to look in that direction, nothing will be produced but what is delusive and disappointing; and it should be remembered that abortive experiments in matters of this kind are not merely harmless failures; they divert the attention from the points of real importance, and thus are the greatest obstacles to sound improvement. There can be no better proof of this than a fact which is of every day's experience. We daily see that the persons who take the most active and undoubtedly sincere interest in the improvement of the Statute Law, when they happen in the course either of their business as lawyers, or of their duty as Legislators, to prepare or have the control over the preparation of Bills, and thus have in their own hands the means of contributing to an improved state of things and setting a good example, entirely disregard such opportunities, and follow the old routine of

* The saving of a few words in the repealing Clauses is scarcely worth serious notice; but Mr. Coode has pointed out in the First Report, p. 82, the true way of dealing with this inconvenience, such as it is. Repeals should always be effected by separate Enactments, and thus "the repealing Act and repealed Acts would all sleep together."

example

prolixity and other faults. This can only be because they have formed a habit of thinking that the improvement of Legislative Style is a subject to be considered by itself, and not what it really is, a subject to be considered and attended to in connexion with legislation on all other subjects, and in fact having no independent existence at all.

All the faults of the Statutes as to form and style which require remedy are purely literary faults, and may be remedied, and can only be remedied, by a purely literary reform, without any legislative assistance or interference. All that is wanted is, that the persons who draw Acts of Parliament should be firmly resolved to use a plain and concise style, to choose with care the proper words to express their meaning, and never to use a word that is not wanted; and, above all, to assume that they are writing for persons of ordinary candour and intelligence, and not (as is now the practice) to think it necessary to provide in terms against every foolish and unworthy quibble that unfair or unreasonable persons may possibly suggest. So long as Acts of Parliament are drawn on the assumption that Judges or others will not understand, or will pretend not to understand, what is meant by "the 1 & 2 Vict. c. 1," until the Legislature enacts that they may and shall understand it, it is vain to hope that any improvement as to brevity and perspicuity is attainable.*

Thus, as I have already suggested, the cure of the present state of things is in the hands of everybody who draws a Bill, and everybody who introduces a Bill, by showing what is possible, and by setting a good example. If improvement in this direction cannot be introduced, I own that I see no other way in which any relief except of a trivial, if not an objectionable and unreasonable kind, is to be looked for. Acts of Parliament may, no doubt, be passed to dispense with the use of certain often recurring phrases, and to introduce what has been described as a Parliamentary Short-hand; but surely it is undignified and trifling to put the Imperial Legislature in motion for the purpose of turning its own decrees into ungrammatical enigmas, and all for the sake of effecting minute economies of words in one or two isolated points. It has, for instance, been suggested that the necessity for declaring at the commencement of every Act the authority by which it promulgated might be dispensed with; and yet it seems only natural and reasonable to preface every Decree with some declaration of the kind.

As to the extent and importance of the possible improvement of the style of Acts of Parliament merely by attention to the foregoing considerations, any one may satisfy himself by experiment. There are few modern Acts of Parliament which could not be reduced without difficulty to One Third of the space which they now occupy.

In short, I submit that the English Language, unsophisticated, is adequate to express everything that the Legislature can want to express; that there is no more reason to invent a special Language for Acts of Parliament than for any of the other transactions of life; that, in fact, the obligation to use good, grammatical, and intelligible English is no evil or hardship at all; and that if the Legislature will choose to use such language, it needs no explanation or assistance from itself or from any other source to be understood; and lastly, that though the Legislature ought to adopt this practice, it does not follow that it ought to put on the Statute Book any Enactments which amount in effect to orders to itself to do so.

In the course of the preceding observations a distinction was made between true Definitions and what are now commonly called Interpretations; between the Correction of faulty Rules of Construction now existing and the Enactment of new ones, for purposes which seem to be improper; and also between the Consolidated Clauses Acts and Acts "making general Provisions on subjects frequently occurring in Acts of Parliament."

1. The Definition of terms which are really ambiguous is something quite different from the ordinary "Interpretation Clauses" or "Glossaries." No doubt there are a certain number of such terms (though I have not at present a list of any to offer) which might be defined with advantage. I do not how-

* This and a few of the other points discussed in this Paper are also touched on in another Contribution to the present Report, the observations prefixed to my Draft of a New Wills Act. They are repeated here in order to complete the subject.

ever think that anything of much extent or importance is to be done in this direction, and it is a work which, if undertaken, will require considerable delicacy in the selection, as well as care in the performance; for as words can only be defined by words, there is a risk of ambiguity in the Definition as well as in the Thing defined; and thus it may happen that even in the case of some words which are certainly ambiguous (and the operation should in no case be extended to any others,) the difficulty of finding satisfactory equivalents may render it imprudent to run the risk of making matters worse by attempting to define them.

It seems advisable that if any Statute of Definitions is compiled, it should be made to extend to all Documents, and not confined to Acts of Parliament. It is an inconvenient anomaly to have the same word meaning different things in different documents; as the word "Month" (for instance), which now means Calendar Month in an Act of Parliament, and Lunar Month in a Deed; or "England," which includes Wales in an Act of Parliament, but not in a deed.

2. With respect to Rules of Construction, it is certain that some such rules exist which are contrary to natural principles of reason and language, more particularly as regards the construction of Wills. As regards the construction of Acts of Parliament, with which alone we are now concerned, I am not aware of any now in force which are so decidedly objectionable as some of those applicable to Wills; but there are many, such as the rules which make distinctions in construction between Statute Law and Common Law, between ancient and modern Statutes, between penal and remedial Statutes, between public and private Statutes, between Statutes affecting the Crown and those affecting the Subject, between Enactments contained in separate and substantive clauses and Enactments not so contained, which have been made the subject of criticism; and it does seem that some at least of these might with advantage be reversed or modified, or at any rate that it were to be wished that they did not exist. No doubt it would be best that there should be no Rules of Construction at all, except the rule that all Enactments be construed according to ordinary or natural principles of sense and language; and the attempt to enact Rules of Construction seems awkward, and difficult of satisfactory performance; and yet if Rules of Construction which produce material inconvenience do exist, and are so firmly established that nothing short of an Act of Parliament can alter them, it seems right and reasonable (because the only way to effect a practical benefit) to negative by direct Enactment such Rules of Construction as are objectionable. On this ground, the reversal by theFirst Section of the Act 13 & 14 Vict. c. 21, of the rule (or supposed rule) that an Act could not be repealed or altered by another Act of the same Session, appears to have been a beneficial measure.

While admitting, however, the abstract propriety of enacting both Definitions and Principles of Construction where required, I should nevertheless hesitate to recommend the introduction of Bills on the subject, unless not only proper cases, but a *considerable number* of proper cases should, on inquiry and examination, be found to need such treatment. It seems inexpedient to attempt measures of this kind unless they are of some considerable extent and importance, for nothing is more undesirable than to produce the appearance and impression that the Law is being perpetually tampered with here and there without adequate cause, and made the subject of trifling experiments, particularly on points at once so delicate and so fundamental. Such practices are very embarrassing and discouraging to all whose business it is to study the Law, and create a prejudice against Law Reform, and a mistrust of Law Reformers. Measures of this kind, if insignificant in extent, also run the risk of being in practice overlooked and disregarded.

3. Acts like those of the 11 & 12 Vict. Chapters 42 and 43, "to facilitate "the Performance of the Duties of Justices of the Peace," are of quite a different nature from the Consolidated Clauses Acts; and they are only alluded to here (though it can scarcely be necessary) for the purpose of saying that the comments above made on the principle of the Consolidated Clauses Acts have no reference to them. Measures of this kind are, I believe, most useful and most necessary, but they are rather material amendments of the Law, than expedients for the formal improvement of the Statutes; and consequently do not fall within the scope of this Paper, which is intended to embrace the consideration of the latter subject only.

M. I. BRICKDALE.

PAPERS BY MR. ROGERS.

MINUTE BY MR. ROGERS.

I HAVE now to submit a Draft Bill for the consolidation of the existing Statute Law regulating the relations between Masters and Servants and Masters and Workmen.

That Bill, which has been prepared by me since the completion of my labours in preparing the appendix to the Second Report of Mr. Bellenden Ker, on the proceedings of the Board, presented to the Lord Chancellor in February in the present year, is framed upon the principle enunciated in that Report, viz., that all the existing statutes *in pari materiâ* should be reduced into separate groups, in order that for the future all the Statute Law on any one subject of legislation should be contained in one Act, a proposition originally made by Lord Bacon, and which I believe might, when accomplished, be made the foundation upon which to construct a complete digest or code of the whole law, Statute and Common.

In framing the Bill, I have endeavoured to preserve the actual living law exactly as I have found it, but the effete and obsolete law I have repealed and have not re-enacted.

The subject is varied, alike as to the successive periods at which legislation has occurred, and as to the objects to which the attention of the legislature has been directed.

It is not necessary that I should allude to the state of the law anterior to the reign of Elizabeth, the Act 5 Eliz. c. 4., being the earliest unrepealed statute on the subject.

That Act, many of the provisions of which have been repealed, but a large part of which are still unrepealed, was framed in accordance with the spirit of legislation which then prevailed, but which has now for the most part been abandoned, and prescribed regulations and limitations in accordance with which alone the contract of hiring and service was to be entered into, and which rendered the engagement between Master and Workman rather a matter of police than of mutual agreement. Thus, persons in various trades (probably including all those then in use) were to be hired by the year; persons not having forty shillings a year in land were compelled to follow trades to which they had been brought up; all persons between 12 and 60 years of age, not having other occupations, were compelled to serve in husbandry "by the year;" persons were not to leave the city or parish

of their service without testimonial, under pain of imprisonment; the hours of *adult* labour were limited: from March to September, from 5 A.M. to between 7 or 8 P.M., with an allowance of 2½ hours for meals, and from the middle of May to the middle of August half an hour for sleep; from September to March, from "spring of day in the morning until the night of the same day;" the Justices in Quarter Sessions to settle the rate of wages, together with some other regulations much of the same sort.

I have not thought it necessary to state in precise terms which of these regulations have been repealed; some have been repealed altogether, others partially as to particular trades, and others merely inferentially or virtually by subsequent conflicting legislation; those not repealed are treated as obsolete, excepting so much of section 9 (quarto edition), which prescribes penalties on workpeople leaving their work unfinished, and which I have incorporated into Part IV. of the Bill.

In the subsequent Acts there are a few provisions which may be safely treated as obsolete, such as those which limit the number of workpeople to be employed and the number of apprentices to be retained, and some provisions in the 42 Geo. 3. c. 73, as to the management of Factories, although that Act perhaps might be better treated as altogether virtually repealed by the 3 & 4 Will. 4. c. 103, the 7 & 8 Vict. c. 15, and the amending Acts, regulating Factories.

The Bill will I believe be found to contain all the statute law affecting the relations between masters and servants, and masters and workmen, excepting so much as regulates the mercantile marine, and the enactments relating to some offences which I have not included in the present Bill. My reasons for both omissions will be stated afterwards.

The Bill is divided into 14 parts.

The first part consists of an enactment declaratory of the existing law, that a contract of hiring and service shall be deemed to be for a year, unless the contrary be shown to have been the intention of the parties. This I thought it advisable to introduce, lest without something of the sort the law should have been considered shaken by the repeal of the 5 Elizabeth, c. 4. To this declaratory enactment I have ventured to add a clause, taking contracts of hiring and service for a year, to be entered upon within six months after the time of making the contract, out of the purview of the fourth section of the Statute of Frauds, (29 Car.2.c. 3.) Several cases had decided that where an agreement was made between A and B, that A should serve B for a year, or as a yearly servant, the service to commence on a day subsequent to the day on which

which the agreement was made, such agreement was void unless it had been made in writing and signed by the party to be charged in conformity with the statute. These decisions, though no doubt in accordance with the statute, have created much hardship and inconvenience; and I have therefore ventured so far to modify the existing law, as to except such agreements where the service is to commence within six months after the time at which the contract is made. This part does not affect the existing law of Scotland or Ireland.

Part II. provides for the punishment of falsifying and forging characters, and consists of nine sections, all being substantially the same as those enacted in the 32 Geo. 3. c. 56. As that Act was passed prior to the Union with Ireland, I have added a clause, to the effect that Part II. of the Bill shall not affect the existing law of Ireland.

Part III. relates to wages. The only existing legislation on this subject is confined to the means of recovering wages before Justices of the peace in a summary manner, and the prohibition against the payment of wages in public houses, and otherwise than in the current coin of the realm. But on no one of these points is the law general; it is exceptional throughout. The 20 Geo. 2. c. 19, which is more general in its provisions on the subject than the rest, applies only to servants in husbandry and certain trades, and is limited as to amount to 10*l.* in the case of husbandry servants, and to 5*l.* in the case of workmen. The 6 & 7 Vict. c. 40. sec. 17, though unlimited as to amount, is restricted to the woollen trade and to hosiery, and the 8 & 9 Vict. c. 128. sec. 7, relates only to silk weavers. The prohibition of payment in truck is limited to specified trades, and the 5 & 6 Vict. c. 99, which prohibits the payment in public houses, has reference only to persons employed in mines and collieries. All these provisions I have left limited as I have found them, excepting the last, which, being introduced with a recital that the payment of wages in public houses was detrimental to workmen generally, I have treated the enactment limiting the restraint to mines and collieries as falling short of the evil proposed to be remedied by the Legislature, and have therefore made the provision general. With the exception of the last-mentioned provision, and the section of the 8 & 9 Vict. c. 128, relating to the wages of silk weavers, which are not limited to any one portion of the United Kingdom, and those of 6 & 7 Vict. c. 40, which are confined to England, the enactments consolidated in Part III. relate to Great Britain.

Part IV. of the Bill relates to the settlement by summary proceedings before justices of disputes between masters and servants in husbandry, and masters and workmen in particular trades, and is

limited as to the woollen trade to England, and as to the rest to Great Britain.

Part V. provides for the settlement, by a summary proceeding before Justices of the peace, of disputes between masters and apprentices. These provisions apply, however, only to cases of apprentices with whom no premium, or a premium not exceeding 25*l.* has been paid. This part does not extend to Ireland.

Part VI. contains the provisions of the 8 & 9 Vic. c. 77, and c. 128, requiring the delivery of tickets of work with all goods in the silk and hosiery manufactures, and extends to the United Kingdom.

Part VII. provides for arbitration of differences between masters and workmen in all trades, and throughout the United Kingdom.

Part VIII. consists of the enactments of the 6 Geo. 4. c. 129, for for the suppression of oppressive combination either on the part of the workmen or of the masters; their provisions are like those of Part VII., general as to the trades, and co-extensive with the United Kingdom.

Part IX. contains all the existing provisions for the punishment and summary conviction of embezzlement of materials and tools entrusted to workpeople in various trades; and for the punishment of miners fraudulently removing ore, and of journeymen dyers dyeing materials, without orders from their employers; also of persons in the woollen and hosiery manufactures altering or obliterating marks on looms. This part does not affect the existing law of Scotland or Ireland, except as provided in section 122.

Part X. relates to chimney sweepers, and consists of the clauses in the 3 & 4 Vic. c. 85, which prevent the employment of children under sixteen years of age, as apprentices to chimney sweepers, and provide penalties for allowing persons under twenty-one years of age to climb chimneys: these provisions apply to the whole of the United Kingdom of Great Britain and Ireland.

Part XI. relates to mines and collieries, and comprises the provisions of 5 & 6 Vict. c. 99, prohibiting the employment of women and children in mines and collieries, and the 13 & 14 Vict. c. 100, passed with a view to prevent the frequent recurrence of accidents in coal mines. So much of this part of the Bill as applies to the protection of life in coal mines does not extend to Ireland, the rest applies to the United Kingdom.

Part

Part XII. contains the existing regulations for the management of factories; such regulations consist in a limitation of the hours of labour of children, young persons and women; the enforcing school attendance for the children; and in general provisions to secure the health of the factory operatives, by compelling the mill owners to adopt sanitary precautions in the factories, and to protect the lives and limbs of those employed, by requiring the machinery to be properly fenced and guarded. The neglect of these regulations renders the mill owners subject to penalties, which it is the duty of the inspectors of factories to enforce. This part of the Bill applies to the whole of the United Kingdom. I have introduced some few amendments of the existing law into this part of the Bill, all of which are pointed out in the margin of the clauses where they occur, and are framed on the suggestions of the inspectors.

Part XIII. relates to print works, which are under much less stringent regulations than factories, and have been the subject of a distinct series of Acts. I felt it better to continue the two as distinct, but I have been enabled to shorten the provisions as to print works, by rendering the analogous enactments in Part XII. applicable by reference to Part XIII. This part of the Bill applies to the whole of the United Kingdom.

Part XIV. contains a few general provisions as to procedure. The 11 & 12 Vict. c. 43, has enabled me to strike out a great number of the clauses usually inserted in Acts which constitute offences punishable on summary conviction, but as that Act does not apply to Scotland or Ireland, it would be necessary before the Bill went through committee that a Scotch and Irish lawyer should say whether any particular provisions as to procedure were necessary for those parts of the United Kingdom.

Having stated what the Bill contains, it is necessary to allude to those portions of the law affecting masters and workmen which are not included in the present Bill; these consist of the laws regulating the mercantile marine, those portions of the general criminal law which provide for the offence of embezzlement by clerks and servants (7 & 8 Geo. 4. c. 29. sec. 47), and for assaults by servants on their masters with intent to extort higher wages (9 Geo. 4. c. 31. sec. 25), the enactments imposing a penalty on servants, who, through negligence or carelessness, fire or cause to be fired a house or premises (6 Anne c. 31. sec. 3 and 14 Geo. 3. c. 78. sec. 84), and the 14 & 15 Vict. c. 11 secs. 1 & 2, which declares it a misdemeanour for a master or mistress where legally bound to provide food for a servant to neglect to do so, or to assault or ill-use a servant, and some Acts, which

although amongst the public general Acts, are confined to particular localities.

My reasons for such omissions from the present Bill were, as to the mercantile marine, that the service was so necessarily distinct from all other descriptions of service, and so interwoven with the general law regulating merchant shipping, that it was better that it should be embraced in an Act which should consolidate the laws on that subject, and which I had already marked as the subject for a distinct group in the Appendix to the Second Report. Indeed, I had myself proposed to prepare such a consolidation Bill before I undertook the subject of Masters and Workmen, but I found that a Bill was already in course of preparation under the instructions of the Board of Trade; and I am glad therefore to find that Part III. of the Merchant Shipping Bill, now before the House of Commons, relates to the service of the mercantile marine, a subject which for the reasons given, seems to me to be there in its proper place.

Of the provisions as to criminal offences omitted from the present Bill, two (namely), "embezzlement by clerks and servants," and "assaults with intent to raise wages," are sections of the General Criminal Law Consolidation Acts, where they may well remain until the whole statute law as to crimes and penalties is reduced into one Act; the penalty for firing a house through negligence is imposed by an Act providing generally for the prevention of accidents by fire, and is as much directed to the preservation of the property of the neighbourhood as of the master, and the penalty of 100*l.* is to be disposed of by the churchwardens amongst the sufferers by the fire. The provision is probably altogether an useless one, but I propose to leave it, and if considered worth retaining, it could ultimately be placed in a chapter of penalties. The provision imposing a penalty upon masters and mistresses neglecting or assaulting their servants and apprentices seemed to me at first to require a place in the present Bill, but I ultimately determined that as it did not create any new duty or right, but simply declared the neglect by the master or mistress of a pre-existing duty to be a misdemeanor subject to punishment by indictment, my proper course would be allow it to remain one of the sections of the 14 & 15 Vict. c. 11, until a general statute of crimes and penalties should be prepared, of which Act it would form an appropriate section.

The Acts of a mere local nature, though found amongst the public general Acts, I have omitted, as it would be useless to attempt to deal with Acts, the operation of which is limited to particular cities and

and towns, or even counties, without at the same time going through all the local and personal Acts with a view to their generalization, which could not be effected without very plenary powers.

The law relating to the binding of parish apprentices, I have of course not touched, it being so clearly a part of the Poor Laws, which the Appendix alluded to are treated as forming a subject for a distinct group.

It will be seen that the Bill is strictly a consolidation Bill, with only such amendments as seemed necessary to give effect to the intention of the Legislature, as indicated by the existing Acts, where the particular provisions of those Acts had not effected that apparent intention. And the Bill has been prepared by me in that form after great consideration upon the matter, and a careful analysis of the materials which existed for consolidation. I had desired to generalize the law, and to effect an uniformity in the general principles which should regulate the enactments affecting the relationship of master and servant; but although such general principles were to be found in the Common Law, I ascertained that they had no existence in the Statute Law, the existing Acts on the subject being nearly all of them exceptional and particular in their character. The most cursory glance at the Bill as now prepared, which I think faithfully represents the existing law, excepting where such amendments as I have before alluded to are introduced, will show how completely this is the case. It was therefore not possible to prepare a Bill which should at the same time contain a consolidation and a generalization of the law. It became consequently necessary that I should prepare either a new law which should regulate the relation of master and servant generally, or a mere consolidation of such Acts as existed on the subject, retaining the exceptional rules which had been prescribed for each particular trade or service which had chanced to be at any time the subject of legislation.

I determined on the latter of these two courses, and my decision was mainly taken upon the ground, that had I attempted to propose a new law, I should not merely have done that which was probably out of my province, but from the particular nature of the subject, I must have decided arbitrarily between two strongly antagonistic principles, each maintained at the present time by opposite parties who both conscientiously believe themselves to be in the right—those two principles being, on the one hand, that the contract between master and servant should be regulated by the general rules applicable to all contracts, the other that the contract of hiring and service, and its resulting rights and duties should be a matter of police—whilst

the existing law on the subject may be said to be a mixture of the two principles; and it is this admixture which is the main cause of the exceptional character of the existing legislation on the subject. Thus the contract and its obligations have been made, as to some trades and occupations, a matter of police, whilst they remain, as to others, a matter of ordinary contract.

In preparing the Bill I have been guided by these views, and the few amendments of the existing law which will be found in the Bill are consistent with the principles upon which I have acted; and where differing from the positive enactments of existing Acts, they are, at least, in accordance with the recitals by which the enactments are introduced, but which the enactments did not carry out. Thus, I have made the provision as to the non-payment of wages in public houses general, although the prohibition is confined to persons employed in mines and collieries; but the recital to the section providing the prohibition, contains a general statement that "The practice "of paying wages to workmen at public houses is found to be highly "injurious to the best interests of the working classes," and I could not therefore suppose that the Legislature intended that a practice which it so stigmatized should be forbidden merely as to one trade, and permitted to continue as to all others. The other amendments introduced are chiefly as to factories, and these are all proposed with a view to render the existing law more efficacious and not with a view to its alteration. One clause, however, which is introduced, I would more particularly allude to; it is the 233d, and gives the Inspectors of Factories power to sue for penalties under Parts XII. and XIII. in the County Court, instead of being compelled in all cases to proceed before Justices of the peace. I have inserted this clause because I find that the Inspectors wish for the substitution of that tribunal for that of the Justices, on the ground that in many districts all the Justices are mill owners or mill owners' relatives; yet I could venture to suggest that the County Courts are not the tribunals to which such jurisdiction should be transferred, but rather some such tribunal as that which I shall presently mention. Such is the general nature of the very few amendments in the existing law, which are proposed in the present Bill, and all of which are indicated where they occur, either by marginal notes or by the amendments being printed in *Italics*. There are amendments as to penalties and procedure, which some may think I might conveniently have introduced; I shall therefore state shortly my reason for not having done so. It was this:—I had long seen, and am now convinced, of the soundness of the opinion, that before the Acts which regulate such subjects as those which are ranged under Public Economy, and of which Masters and Servants is a fair

fair specimen, can be concisely drawn, a general Statute of Penalties and a general Statute of Procedure must be framed; and that until that is done, the Acts on such subjects must retain much of their verbosity; and their reiteration of clauses of procedure, must in a greater or less degree be continued, although (by the aid of the useful Act introduced by Sir John Jervis, the 11 & 12 Vic. c. 43.) in a slightly modified form.

Should such general Statutes of Penalties and Procedure be enacted, all such Bills as the present would then, in convenient terms, direct certain things to be done, forbid others, and then shortly enact that disobedience to the provisions of the Act should render the offender liable to penalties under class A. B. and C. in the Statute of Penalties, and which penalties would be enforced with a right of appeal, or otherwise, according to their class, under the general provisions of the Statute of Procedure. Should it be determined to proceed with the work of consolidation which has been commenced, I would venture to suggest that the two Bills which I have proposed should be at once prepared; and in that case I think it might be well to consider whether it would not be better that, instead of transferring any criminal jurisdiction to the County Court Judges as proposed in the case of factories by the Inspectors, District Criminal Judges should be appointed to proceed on circuits similar to those of the County Court Judges, to hear complaints determinable on summary conviction, or that the present or an increased staff of stipendiary magistrates should hold Circuit Courts for the disposal of such complaints.

Although for the reasons I have given I feel that the Bill now submitted is not in the concise form in which I should have proposed that all Consolidation Bills should be prepared, had a Statute of Penalties and a Statute of Procedure been in existence; yet I can submit the Bill with a feeling of confidence that should it be enacted into a law with the Repealing Bill which accompanies it, the statute law affecting masters and workmen will have been reduced into one Act without materially affecting the existing law, and in conformity with the suggestions contained in Mr. Bellenden Ker's second Report.

4, Brick Court, Temple,
Easter Vacation, 1854.

J. W. ROGERS..

DRAFT OF

A

BILL

TO

Repeal the Statute Law relating to Masters and Servants and Masters and Workmen (excepting so much as relates to certain Offences and to the Mercantile Marine) in connexion with the Act of this Session for consolidating the same

BE it enacted and declared, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act shall come into operation on the *First* Day of *September* A. D. 1854.

II. The several Acts and Parts of Acts as set forth in the Schedule hereto annexed are hereby repealed.

III. Notwithstanding the preceding Repeal, the said Acts and Parts of Acts shall continue in force as to all Offences and Penalties which have been committed and incurred, all Matters which have happened and all Monies which have become due before the said *First* Day of *September* A. D. 1854, as if this Act and the Act of this Session "To consolidate the Statute Law relating to Masters and Servants, and Masters and Workmen, excepting so much as relates to certain Offences and to the Mercantile Marine" had not been passed."

SCHEDULE to which the foregoing Act refers.

Title. &c., in the Quarto Edition of Ruffhead and others.		Extent of Repeal.
5 Eliz. c. 4. -	An Act touching divers Orders for Artificers, Labourers, Servants, of Husbandry and Apprentices.	So much as remains in force.
7 Jac. 1. c. 7. -	An Act for the punishing and correcting of Deceit and Frauds committed by Sorters, Kembers, and Spinsters of Wool, and Weavers of Woollen Yarn.	So much as remains in force.
14 Car. 2. c. 15.	An Act for regulating the Trade of Silk Throwing.	* Sections 2, 6, 7, and 8.
20 Car. 2. c. 6. -	An Act to regulate the Trade of Silk Throwing.	† Section 3.
8 & 9 W. 3. c. 36.	An Act for the further Encouragement of the Manufacture of Lustrings and Alamodes within this Realm, and for the better preventing the Importation of the same.	‡ Section 6.
1 Anne s. 2. c. 18.	An Act for the more effectual preventing the Abuses and Frauds of Persons employed in working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom.	So much as remains in force.
9 Anne c. 30 -	An Act for reviving and continuing an Act made in the First Year of Her Majesty's Reign for the more effectual preventing Abuses and Frauds of Persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom.	So much as remains in force.
7 Geo. 1. s. 1. c. 13.	An Act for regulating the Journeymen Tailors within the weekly Bills of Mortality.	So much as remains in force.
9 Geo. 1. c. 27 -	An Act for preventing Journeymen Shoemakers selling, exchanging, or pawning Boots, Shoes, Slippers, Cat-leather or other Materials for making Boots, Shoes, or Slippers, and for the better regulating the said Journeymen.	So much as remains in force.

* Sections 1, 3, 4, 5, and 10. relate to the Company of Silk Throwers in the City of London. Section 9, any Freeman of the Company of Silk Throwers may employ any Person to turn the Mill, &c., though such Person shall not have been apprenticed.

† Section 1 recites a Byelaw of the Company of Silk Throwers limiting the Number of Mills to be used by Freemen and Assistants of the Company. Section 2 repeals such Restriction, and invalidates any future Byelaw to the same effect. Section 4. No Byelaw of the Company to limit any Freeman of the Company to take a less Number than Three Apprentices at any Time.

‡ Section 6 of this Act is the only Section which affects the relations of Master and Servant, the rest of the Act was directed to preventing the Importation of Foreign Lustrings and Alamodes.

	Title &c. in Quarto Edition of Ruffhead and others.	Extent of Repeal.
12 Geo. 1. c. 34.	An Act to prevent unlawful combinations of Workmen employed in the Woollen Manufactures, and for the better Payment of their Wages.	So much as remains in force excepting so far as it may relate to Scotland.
13 Geo. 2. c. 8.	An Act to explain and amend an Act made in the first Year of the Reign of Her late Majesty Queen Anne intituled, "*An Act for the more effectual preventing the Abuses and Frauds of Persons employed in the Working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom,*" and for extending the said Act to the Manufacture of Leather.	The whole; excepting so far as the same may relate to Scotland.
20 Geo. 2. c. 19.	An Act for the more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices.	The whole.
22 Geo. 2. c. 27.	An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures, and for preventing unlawful Combinations of journeymen Dyers and journeymen Hot-pressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages.	The whole; excepting so far as the same may relate to Scotland or to Ireland.
23 Geo. 2. c. 13.	An Act for the effectual punishing of Persons convicted of seducing Artificers in the Manufactures of Great Britain or Ireland out of the Dominions of the Crown of Great Britain, and to prevent the Exportation of Utensils made use of in the Woollen and Silk Manufactures from Great Britain or Ireland into Foreign Parts, and for the more easy and speedy Determination of Appeals allowed in certain Cases by an Act made in the last Session of Parliament relating to Persons employed in the several Manufactures therein mentioned.	So much as remains in force.
27 Geo. 2. c. 6.	An Act to repeal a Proviso in an Act made in the Twentieth Year of His present Majesty's Reign, intituled *An Act for the better adjusting and more easy recovery of the Wages of certain Servants, and for the better regulation of such Servants, and of certain Apprentices*, which provides that the said Act shall not extend to the Stannaries in Devon and Cornwall.	So much as remains in force.
27 Geo. 2. c. 7.	An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Clocks and Watches.	The whole.
31 Geo. 2. c. 11.	An Act to amend an Act made in the 3d Year of King William and Queen Mary,	Section 3.

Title &c. in Quarto Edition of Ruffhead and others.		Extent of Repeal.
	intituled *An Act for the better Explanation and supplying the Defects of the former Laws for the Settlement of the Poor, so far as the same relates to Apprentices gaining a Settlement by Indenture; and also to empower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for a less Time than a Year.*	
6 Geo. 3. c. 25.	An Act for better regulating Apprentices and Persons working under Contract.	The whole.
6 Geo. 3. c. 29.	An Act to prevent the fraudulent Marking of Framework knitted Pieces and Stockings.	The whole.
13 Geo. 3. c. 68.	* An Act to empower the Magistrates therein mentioned to settle and regulate the Wages of Persons employed in the Silk Manufacture within their respective Jurisdictions.	The whole.
14 Geo. 3. c. 25.	An Act for the more effectual preventing Frauds and Embezzlements by Persons employed in the Woollen Manufactory.	The whole.
14 Geo. 3. c. 44.	An Act to amend an Act made in the 22d Year of the Reign of His late Majesty King George the Second, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful Combinations of journeymen Dyers and journeymen Hotpressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages.*	The whole.
15 Geo. 3. c. 14	An Act to explain and amend an Act made in the Fourteenth Year of His present Majesty, intituled *An Act to amend an Act made in the Twenty-second Year of the Reign of His late Majesty King George the Second*, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Linen, Woollen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures,*	The whole.

* This Act would appear to have been wholly repealed by the 5 Geo. 4. c. 66., but as it is treated by the 5 Geo. 4. c. 95. as though it were then in force and is by that Act *partly* repealed, I have thought it better to put it in this Schedule.

	Title &c., in the Quarto Edition of Ruffhead and others.	Extent of Repeal.
	and for preventing unlawful Combinations of journeymen Dyers and journeymen Hot-pressers, and of all Persons employed in the said several Manufactures, and for the better Payment of their Wages.	
17 Geo. 3. c. 55.	An Act for the better regulating the Hat Manufactory.	So much as remains in force.
17 Geo. 3. c. 56.	An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair and Silk Manufactures, and also for making Provisions to prevent Frauds by journeymen Dyers.	So much as remains in force.
24 Geo. 3. c. 73.	An Act for the Preservation of the Health and Morals of Apprentices and others, employed in Cotton and other Mills, and Cotton and other Factories.	The whole.
28 Geo. 3. c. 55.	An Act for the better and more effectual Protection of Stocking Frames, and the Machines or Engines annexed thereto, or used therewith, and for the Punishment of Persons destroying or injuring of such Stocking Frames, Machines, or Engines, and the Framework knitted Pieces, Stockings, and other Articles and Goods used and made in the Hosiery and Framework knitted Manufacture, or breaking or destroying any Machinery contained in any Mill or Mills used, or any way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking Frame.	So much as remains in force.
32 Geo. 3. c. 44.	* An Act for extending the Provisions of an Act made in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to empower the Magistrates therein mentioned to settle and regulate the Wages of Persons employed in the Silk Manufactures within their respective Jurisdictions*, to Manufactures of Silk mixed with other Materials, and for the more effectual Punishment of Buyers and Receivers of Silk purloined and embezzled by Persons employed in the Manufacture thereof.	The whole.
32 Geo. 3. c. 56.	An Act for preventing the counterfeiting the Certificates of the Characters of Servants.	The whole.

* This Act was wholly repealed by 5 Geo. 4. c. 66., but as it was again *partially* repealed by the 5 Geo. 4. c. 95. and by 6 & 7 Vict. c. 40. it has been deemed better to include it in this Schedule.

Title &c., in the Quarto Edition of Ruffhead and others.		Extent of Repeal.
39 & 40 Geo. 3. c. 77.	An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners.	So much as remains in force.
42 Geo. 3. c. 73.	An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and in Cotton and other Factories.	The whole.
4 Geo. 4. c 29.	An Act to increase the Power of Magistrates in cases of Apprenticeship.	The whole.
4 Geo. 4. c. 34.	An Act to enlarge the power of Justices in determining Complaints between Masters and Servants, and Masters and Workmen and between Masters, Apprentices, Artificers and others.	The whole.
5 Geo. 4. c. 96.	An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen.	The whole.
6 Geo. 4. c. 129.	An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.	The whole.
1 & 2 W. 4. c. 37.	An Act to prohibit the Payment in certain Trades of Wages, in Goods or otherwise than in the current Coin of the Realm.	The whole.
3 & 4 W. 4. c 103.	An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.	So much as remains in force.
4 & 5 W. 4. c. 1.	An Act to explain and amend an Act of the last Session of Parliament, for regulating the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.	The whole.
7 W. 4. & 1 Vict. c. 67.	An Act to amend an Act of the Fifth Year of His Majesty King George the Fourth, for consolidating and amending the Laws relative to the Arbitration of Disputes between Masters and Workmen.	The whole.
3 & 4 Vict. c. 85.	* An Act for the Regulation of Chimney Sweepers and Chimneys.	Sections 2, 3, 7 and 11.
5 & 6 Vict. c. 7.	An Act to explain the Acts for the better Regulation of certain Apprentices.	The whole.
6 Vict. c. 99.	An Act to prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and to make other Provisions relating to Persons working therein.	The whole.
6 & 7 Vict. c. 40.	An Act to amend the Laws for the Prevention of Frauds and Abuses, by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further securing the Property of the Manufacturers	The whole except Sections 8 and 19.

* Sections 1 and 5 were temporary Provisions which have expired. Sec. 6. regulates the Mode of building Chimneys and Flues, and the rest of the Act provides Mode of Procedure for Recovery of Penalties.

Title &c., in the Quarto Edition of Ruffhead and others.		Extent of Repeal.
	and the Wages of the Workmen engaged therein.	
7 & 8 Vict. c. 15	An Act to amend the Laws relating to Labour in Factories.	The whole.
8 & 9 Vict. c. 29.	An Act to regulate the Labour of Children, young Persons and Women in Print Works.	The whole.
8 & 9 Vict. c. 77.	An Act to make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery, in certain Cases.	The whole.
8 & 9 Vict. c. 128.	An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases.	The whole.
9 & 10 Vict. c. 18.	An Act to amend two clerical Errors in an Act of the last Session, for regulating the Labour of Children, young Persons, and Women in Print Works.	The whole.
9 & 10 Vic c. 40.	An Act to declare certain Rope-works not within the Operation of the Factory Acts.	The whole.
10 & 11 Vict. c. 29.	An Act to limit the Hours of Labour of young Persons and Females in Factories.	The whole.
10 & 11 Vict. c. 70.	An Act to amend the Law as to the School Attendance of Children employed in Print Works.	The whole.
13 & 14 Vict. c. 54.	An Act to amend the Acts relating to Labour in Factories.	The whole.
13 & 14 Vict. c. 100.	An Act for the Inspection of Coal Mines in Great Britain.	The whole.
16 & 17 Vict. c. 104.	An Act further to regulate the Employment of Children in Factories.	The whole.

Labour Act, 1854.

ARRANGEMENT OF CLAUSES.

	Corresponding Sections in former Acts.
1. Short Title of Act.	
2 Time when Act to come into operation.	
3. Division of Act.	

PART I.

CONTRACT OF HIRING AND SERVICE GENERALLY.

4. Contract to be deemed to be for a Year, unless the contrary expressly or impliedly agreed.	
5. Contract need not be in Writing, under the Fourth Section of 29 Car. 2. c. 3.	
6. Part One of Act not to affect existing Law in Scotland or Ireland	

PART II.

FALSIFYING AND FORGING CHARACTERS.

7. Personating Master or Mistress, and giving false, forged, or counterfeit Character, penal -	32 G. 3. c. 56. s. 1.
8. Pretending, or falsely asserting, that Persons has served in any particular Service, penal -	32 G. 3. c. 56. s. 2.
9. Falsely stating period of Discharge, or denying previous Service, penal - - - -	32 G. 3. c. 56. s. 3.
10. Falsely stating that Person has been in some previous Service, or altering Certificate of Character, penal - - - - -	32 G. 3. c. 56. s. 4.
11. Pretending not to have been in any previous Service, penal - - - - -	32 G. 3. c. 56. s. 5.
12. Penalties for Offences in the Five last preceeding Sections - - - - -	32 G. 3. c. 56. s. 8.
13. Indemnity to Offenders giving Information against Accomplices - - - -	32 G. 3. c. 56. s. 10.
14. Appeal - - - - - - - -	32 G. 3. c. 56. s. 8.
15. Part Two of Act not to affect Law of Ireland.	

PART III.

WAGES.

16. No Wages to be paid in Public Houses -	5 & 6 Vict. c. 99. ss. 10 & 11., extended.
17. Penalty for Payment contrary to preceding Clause - - - - -	5 & 6 Vict. c. 99. s. 12.
18. Recovery and Application of such Penalty -	5 & 6 Vict. c. 99. s. 17
19. Appeal - - - - - -	5 & 6 Vict. c. 99. s. 21.
20. The Four last preceding Sections shall apply to the whole of the United Kingdom of Great Britain and Ireland.	

	Corresponding Clauses in former Acts.
21. Provisions for Recovery of Wages in certain Occupations and Trades by summary Proceeding before Justices of the Peace, where not more than 10*l.* are due in case of Servants, and 5*l.* in other Cases - - - - -	20 G. 2. c. 19. 31 G. 2. c. 11. 4 G. 4. c. 34. s. 5. 10 G. 4. c. 52.
22. Such Wages may be recovered by similar Proceedings from Steward, Manager or Agent of absentee Masters - - - - -	4 G. 3. c. 34. s. 4. 10 G. 4. c. 52.
23. The Two last preceding Sections shall apply to Great Britain, but shall not affect the Law of Ireland.	
24. Provisions for Recovery of Wages by summary Proceeding before Justices by Persons in the Woollen Trade, extends only to England -	6 & 7 Vict. c. 40. s. 17.
25. Appeal - - - - - - -	6 & 7 Vict. c. 40. s. 29.
26. Recovery of Wages by Silk Weavers - -	8 & 9 Vict. c. 128. s. 7.
27. Contracts for the Hiring of Artificers must be made in the current Coin of the Realm -	1 & 2 W. 4. c. 37. s. 1.
28. Contracts must not contain any Stipulations as to the Manner in which the Wages shall be expended - - - - - -	1 & 2 W. 4. c. 37. s. 2.
29. All Wages must be paid to the Workmen in Coin. Payment in Goods declared illegal - -	1 & 2 W. 4. c. 37. s. 3.
30. Artificers may recover Wages if not paid in the current Coin - - - - -	1 & 2 W. 4. c. 37. s. 4.
31. In an Action brought for Wages no Set-off shall be allowed for Goods supplied by the Employer, or by any Shop in which the Employer is interested - - - - -	1 & 2 W. 4. c. 37. s. 5.
32. No Employer shall have any Action against his Artificer for Goods supplied to him on account of Wages - - - - -	1 & 2 W. 4. c. 37. s. 6.
33. If the Artificer or his Wife or Children become chargeable to the Parish, the Overseers may recover any Wages earned within the Three preceding Months and not paid in Cash -	1 & 2 W. 4. c. 37. s. 7.
34. Not to invalidate the Payment of Wages in Bank Notes if Artificer consents - -	1 & 2 W. 4. c. 37. s. 8.
35. Penalties on Employers entering into Contracts hereby declared illegal - - - - -	1 & 2 W. 4. c. 37. s. 8.
36. Penalties - - - - - - - - -	1 & 2 W. 4. c. 37. ss. 10, 11.
37. Application of Penalties - - -	1 & 2 W. 4. c. 37. s. 18.
38. Disqualification of Masters to act as Justices -	1 & 2 W. 4. c. 37. s. 21.
39. County Justices to act in City where City Justices disqualified - - - - - -	1 & 2 W. 4. c. 37. s. 22.
40. Conviction to be returned to Quarter Sessions -	1 & 2 W. 4. c. 37. s. 16.
41. To what Trades Fifteen last preceding Clauses to apply - - - - - - -	1 & 2 W. 4. c. 37. s. 19.
42. Exception of Medicines, &c. - - - - -	1 & 2 W. 4. c. 37. s. 23.
43. Exception as to Advances to Parents for Education, &c. - - - - - - -	1 & 2 W. 4. c. 37. s. 24.
44. Definitions - - - - - - - -	1 & 2 W. 4. c. 37. s. 25.
45. Last Seventeen Clauses to apply to Great Britain - - - - - - -	1 & 2 W. 4. c. 37. s. 27.

PART IV.

Disputes between Masters and Workmen in particular Trades and Occupations; summary Proceedings for Settlement.

	Corresponding Clauses in former Acts.
46. Breach of Contract of Service on part of Servant or Workman in certain Occupations punishable on summary Conviction - - -	20 G. 2. c. 19. s. 2. (first part). 6 G. 3. c. 25. s. 4. 4 G. 4. c. 34. s. 3. 10 G. 4. c. 52.
47. Justices on Complaints of such Servants and Workmen of Ill-usage by Master to release such Servants and Workmen from their Contracts of Service - - - - - - -	20 G. 2. c. 19. s. 2. (latter Part of Section). 10 G. 4. c. 52.
48. The Two preceding Sections to apply to Great Britain only - - - - - - -	20 G. 2. c. 19. & 4 G. 4. c. 34.
49. Breach of Contract by Workmen in Woollen Manufactures punishable on summary Conviction, confined to England - -	6 & 7 Vict. c. 40. s. 7.
50. Appeal - - - - - - - -	6 & 7 Vict. c. 40. s. 29.
51. Breach of Contract by Workmen in Mines in Great Britain - - - -	39 & 40 G. 3. c. 77. s. 3.
52. Appeal - - - - - - - -	39 & 40 G. 3. c. 77. s. 10.

PART V.

Disputes between Masters and Apprentices; Summary proceedings for Settlement.

53. Justices to inquire into Complaints by Masters against Apprentices with no Premium, or not more than 25*l.* paid, and to Order Compensation, and in default to punish Apprentice -	20 G. 2. c. 19. s. 6. 4 G. 4. c. 34. s. 1.
54. Justices in Proof of Ill-usage of Apprentice by Master to discharge Apprentice, and order Premium to be refunded - - - -	20 G. 2. c. 19. s. 3. 4 G. 4. c. 29. ss. 1, 2.
55. Justices to determine Disputes between Master and Apprentices as to Wages where Amount in dispute does not exceed 10*l.* - - -	20 G. 2. c. 19. 4 G. 4. c. 29. s. 1 4 G. 4. c. 34. s. 2.
56. Three last preceding Sections to apply to Great Britain only, and nothing in such Sections to affect the Jurisdiction of the Chamberlain of the City of London.	

PART VI.

Tickets of Work to be given out to Workmen, with Materials in certain Trades.

57 Hosiery Manufacturer to deliver to Workmen, with Materials, a Ticket of Work in prescribed Form - -	8 & 9 Vict. c. 77. s. 1.

	Corresponding Clauses in former Acts.
58. Silk Goods Manufacturer to deliver similar Ticket of Work - - - - -	8 & 9 Vict. c. 128. s. 1.
59. Such Tickets to be Evidence in Disputes between Masters and Workmen - - -	8 & 9 Vict. c. 77. s. 2. 8 & 9 Vict. c. 128. s. 2.
60. Work to be produced in Order to Adjudication - - - - - -	8 & 9 Vict. c. 77. s. 3. 8 & 9 Vict. c. 128. s. 3.
61. Penalty on Manufacturer of Hosiery neglecting or refusing to issue such Ticket of Work -	8 & 9 Vict. c. 77. s. 4.
62. Definition of Terms - - - - -	8 & 9 Vict. c. 128. s. 9.
63. Part VI. of Act to extend to United Kingdom.	

PART VII.

Arbitration of Differences between Masters and Workmen.

64. Enumeration of the Causes of Disputes that may be referred; Limitation of Time for Workmen to lodge their Complaints - - -	5 G. 4. c. 96. s. 2. 7 W. 4. & 1 Vict c. 67. s. 1.
65. Appointment of Referees; Justice to name them in Cases specified; Master to choose one and Workmen the other - - -	5 G. 4. c. 96. s. 3. 7 W. 4. & 1 Vict. c. 61. s. 2.
66. Regulations for Appointment of other Referees where those appointed refuse or delay to accept the Reference, or accepting do not act act therein - - - - -	7 G. 4. c. 96. s. 4. 7 W. 4. & 1 Vict. c. 61. ss. 2. 3.
67. Meeting of Referees, Notice of which shall be given; Form of Justice's Order, certifying Nomination of Referees - - -	5 G. 4. c. 96. s. 5. 7 W. 4. & 1 Vict. c. 67. ss. 2. 3.
68. Place for the Meeting of References - -	5 G. 4. c. 96. s. 6.
69. Attendance of Parties - - - -	5 G. 4. c. 96. s. 7.
70. Mode of Investigation of Complaint by the Arbitrators - - - - -	5 G. 4. c. 96. s. 8.
71. Arrest and Commitment of refractory Witnesses; Proviso - - -	5 G. 4. c. 96. s. 9.
72. Adjournment of Complaint from Referees to a Justice; Determination of Justice final -	5. G. 4. c. 96. s. 10.
73. Proceeding where one Referee refuses to go before Justice - - - -	5 G. 4. c. 96. s. 11. 7 W. 4. & 1 Vict. c. 67. s. 3.
74. Manufacturer, &c. not to act as Justice -	5 G. 4. c. 96. s. 12 7 W. 4. & 1 Vict. c. 67. s. 8.
75. Disputes may be adjusted by any other mode of Arbitration upon which the Parties may agree - - - - - -	5 G. 4. c. 96.
76. Partners, Agents, and Servants to be considered Principals - - - - - -	5 G. 4. c. 96. s. 14. 7 W. 4. & 1 Vict. c. 67. s. 3.
77. Master not resident may depute another Person - - - - - - -	5 G. 4. c. 96. s. 15. 7 W. 4. & 1 Vict. c. 67. s. 3.
78. Provision for the Case of the Master becoming bankrupt after Proceeding commenced -	5 G. 4. c. 96. s. 16.

	Corresponding Clauses in former Acts.
79. In whose Name Proceedings shall be, where the Complainant is a married Woman or Infant -	5 G. 4. c. 96. s. 17.
80. Tickets of Particulars to be given out with Work - - - - - -	5 G. 4. c. 96. s. 18.
81. Duplicates of such Tickets - - -	5 G. 4. c. 96. s. 19. 7 W. 4 & 1 Vict. c. 67. s. 3.
82. Manufacturers receiving Articles not to complain afterwards - - - - -	5 G. 4. c. 96. s. 20.
83. Extension of Time limited for making Award -	5 G. 4. c. 96. s. 21. 7 W. 4. & 1 Vict. c. 67. s. 3.
84. Form of Award - - - - -	5 G. 4. c. 96. s. 22.
85. On Award being fulfilled, Fulfilment to be acknowledged - - - - -	5 G. 4. c. 96. s. 23.
Performance of Award may be enforced by Distress, and failing that the Party refusing shall be imprisoned - - - -	5 G. 4. c. 96. s. 24. 7 W. 4. & 1 Vict. c. 67. s. 3.
87. In certain Cases the Warrant of Distress shall be withheld, and the Defaulter committed to Prison - - - - - -	5 G. 4. c. 96. s. 25. 7 W. 4. & 1 Vict. c. 67. s. 3.
88. On Payment of Sum awarded, with Costs, Party discharged - . - - - -	5 G. 4. c. 96. s. 26.
89. Form of Warrant of Commitment in Form in Schedule - - - - - -	5 G. 4. c. 96. s. 27.
90. No Appeal or Certiorari - - - -	5 G. 4. c. 96. s. 28.
91. Fees for Proceedings under this Act - -	5 G. 4. c. 96. s. 30. 7 W. 4. & 1 Vict. c. 67. s. 3.
92. Costs and Expenses how to be settled - -	5 G. 4. c. 96. s. 31. 7 W. 4. & 1 Vict. c. 67. s. 3.
93. Proceedings exempt from Stamp Duty - -	5 G. 4. c. 96. s. 32.
94. Part VII. of Act to apply to the United Kingdom of Great Britain and Ireland -	5 G. 4. c. 96. s. 3. 7 W. 4 & 1 Vict. c. 67. s. 3.

PART VIII.

Combination; Proceedings for Suppression.

95. Compelling Journeymen to leave Employment or return Work unfinished; preventing hiring themselves; compelling them to belong to Clubs, &c.; or to pay Fines; or alter Mode of carrying on Business; Punishment - -	6 G. 4. c. 129. s. 3.
96. Proviso for Meetings for settling Rates of Wages, or Hours of Work to be employed by the Persons meeting - - - - -	6 G. 4. c. 129. s. 4.
97. Proviso for Meetings for Rates of Wages, &c., to be paid by Masters to Journeymen, &c. -	6 G. 4. c. 129. s. 5.
98. Offenders compelled to give Evidence indemnified	6 G. 4. c. 129. s. 6.
99. Justices may summon Offenders not appearing; Warrants may be issued on their Appearance, or Proof (on Oath) of absconding; Proceedings - - - - - -	6 G. 4. c. 129. s. 7.
100. Proceedings in Scotland - - -	6 G. 4. c. 129. s. 11.
101. Appeal to General Quarter Sessions - -	6 G. 4. c. 129. s. 12.
102. No Master to act as Justice - - -	6 G. 4. c. 129. s. 13.
103. Part VIII. to apply to the United Kingdom of Great Britain and Ireland.	

PART IX.

Embezzlement and Frauds by Workmen; Summary Proceedings for Punishment of Offenders in certain Trades and Manufactures.

	Corresponding Clauses in former Acts.
104. Enumeration of Trades to which Part IX. applies - - - - -	7 Jas. 1. c. 7. 14 Car. 2. c. 15. ss. 6. 7. 8. 20 Car. 2. c. 6. s. 3. 8 & 9 W. 3. c. 36. s. 6. 1 Anne, st. 2. c. 18. 9 Anne, c. 20. 9 G. 1. c. 27. 12 G. 1. c. 34. 13 G. 2. c. 8. 22 G. 2. c. 27. 23 G. 2. c. 13. 27 G. 2. c. 7. 14 G. 3. cc. 25. 44. 15 G. 3. c. 14. 17 G. 3. c. 11. 56. 28 G. 3. c. 55.
105. Persons convicted of pawning or embezzling any Materials to forfeit the Value, with Penalty and Costs; Application of Penalty and Forfeiture; Distress Warrant on Nonpayment; Commitment in default of sufficient Distress	6 & 7 Vict. c. 40. s. 2.
106. Persons neglecting to return Materials within a prescribed Time to be subject to the same Punishment as for Embezzlement - -	6 & 7 Vict. c. 40. s. 3.
107. Persons knowingly purchasing or receiving embezzled Materials or Tools, guilty of a Misdemeanor punishable as after mentioned -	6 & 7 Vict. c. 40. s. 4.
108. Persons knowingly selling &c. embezzled Materials or Tools, guilty of a Misdemeanor punishable on summary Conviction - -	6 & 7 Vict. c. 40. s. 5.
109. Justices empowered to issue Warrant for Apprehension of suspected Offenders, and to commit them for Trial - - -	6 & 7 Vict. c. 40. s. 7.
110. Justice empowered to grant Search Warrants -	6 & 7 Vict. c. 40. s. 8.
111. Peace Officers to apprehend suspected Persons; and if such Persons do not prove that the Property is honestly come by, to be punishable - - - - - -	6 & 7 Vict. c. 40. s. 9.
112. Adjournment of Time for Hearing allowed on Prisoner finding Bail - - -	6 & 7 Vict. c. 40. s. 10.
113. Punishment of Persons convicted of Misdemeanor - - - - -	6 & 7 Vict. c. 40. s. 11.
114. Disposal of unclaimed Property which has been seized - - - - -	6 & 7 Vict. c. 40. s. 12.
115. Owners of Materials may inspect Shops, &c. of Persons employed; Penalty for refusal -	6 & 7 Vict. c. 40. s. 13.
116. Warrant of Search and Apprehension may be granted by Justice on Complaint or Oath that suspected Person is about to abscond -	6 & 7 Vict. c. 40. s. 14.
117. Receiving Goods in fictitious Name - -	6 & 7 Vict. c. 40. s. 15.
118. Justice to issue Warrant to Constable to take possession of Property intrusted to any Person committed for Embezzlement, &c. -	6 & 7 Vict. c. 40. s. 16.
119. Punishment of Journeyman Dyer dying Materials without Orders from Employer. - -	17 G. 3. c. 56. s. 17.

	Corresponding Clauses in former Acts.
120. Penalty against Miner fraudulently removing Ore, &c. - - - - -	39 & 49 G. 3. c. 77. s. 4.
121. Appeal - - - - - -	39 & 40 G. 3. c. 70. s. 10.
122. The Three last preceding Sections to apply to Great Britain.	
123. Penalty for obliterating Mark on Machine -	6 & 7 Vict. c. 40. s. 20.
124. Power to award Costs and Compensation to Defendant - - - - -	6 & 7 Vict. c. 40. s. 21.
125. What Justices to have Jurisdiction - -	6 & 7 Vict. c. 40. s. 25.
126. Appeal to Quarter Session in certain Cases -	6 & 7 Vict. c. 40. s. 29.
127. Part IX. of this Act, excepting as provided by Sections CXIX., CXX., CXXI., and CXXII., not to extend to Scotland or Ireland -	6 & 7 Vict. c. 40. s. 33.

PART X.

CHIMNEY SWEEPERS; PROVISIONS RESTRAINING THE EMPLOYMENT OF CHILDREN TO CLIMB CHIMNEYS.

128. Penalty for compelling or allowing Children or young Persons under Twenty-one Years of Age to climb Chimneys - - -	3 & 4 Vict. c. 85. s. 2.
129. No Child under Sixteen Years of Age to be apprenticed to a Chimney Sweeper - -	3 & 4 Vict. c. 85. s. 3.
130. Before whom Convictions to be heard, and Application of Penalties - - -	3 & 4 Vict. c. 85. s. 7.
131. Appeal - - - - -	3 & 4 Vict. c. 85. s. 11.
132. Part X. of Act to apply to the whole of the United Kingdom of Great Britain and Ireland.	

PART XI.

MINES AND COLLIERIES; PROTECTION OF THE LIVES OF PERSONS EMPLOYED IN COAL MINES, AND PROHIBITION AGAINST THE EMPLOYMENT OF WOMEN AND CHILDREN IN MINES.

133. Secretary of State to appoint Inspectors of Mines - - - - -	13 & 14 Vict. c. 100. s. 1.
134. Powers and Duties of Inspectors - -	13 & 14 Vict. c. 100. s. 2.
135. Owner to produce Map or Plan of Mine to Inspector; Inspector may require Map, &c., to be made - - - - -	13 & 14 Vict. c. 100. s. 3.
136. No Land Agent or Manager, &c. of Coal Mine to act as Inspector - - -	13 & 14 Vict. c. 100. s. 4.
137. Notice of Accidents in Mines to be given to Secretary of State - - -	13 & 14 Vict. c. 100. s. 5.
138. Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines - - -	13 & 14 Vict. s. 100. s. 6.
139. Penalty for obstructing Inspectors - -	13 & 14 Vict. c. 100. s. 7.
140. Recovery and Application of Penalties - -	13 & 14 Vict. c. 100. s. 8.

	Corresponding Clauses in former Acts.
141. Preceding Clauses not to extend to Ireland, and to continue in force for One Year from 14th August 1854, and thence to the End of the next Session of Parliament - -	13 & 14 Vict. c. 100. ss. 10-12.
142. Females not to be employed in Mines or Collieries - - - - -	5 & 6 Vict. c. 99. s. 1.
143. Males not to be employed in Mines or Collieries under Ten Years of Age - - -	5 & 6 Vict. c. 99. s. 2.
144. Appointment of Inspectors - - -	5 & 6 Vict. c. 99. s. 3.
145. No Person to be Apprenticed under 10 Years of Age, nor for longer than 8 Years - -	5 & 6 Vict. c. 99. s. 4.
146. Penalties for Offences - - - - -	5 & 6 Vict. c. 99. s. 5.
147. Penalties on Parents and Guardians misrepresenting Ages of Persons employed - -	5 & 6 Vict. c. 99. s. 6.
148. Provisions not to affect Employment above Ground - - - - -	5 & 6 Vict. c. 99. s. 7.
149. Where there are vertical or other Shafts, no Steam or other Engine to be under the Care of a Person under the Age of 15 Years -	5 & 6 Vict. c. 99. s. 8.
150. Who to be deemed in charge of a Windlass worked by a Horse, &c. - - -	5 & 6 Vict. c. 69. s. 9.
151. Definition of Terms - - -	5 & 6 Vict. c. 99. s. 14.
152. Recovery and Application of Penalties - -	5 & 6 Vict. c. 99. s. 17.
153. Appeal - - - - -	5 & 6 Vict. c. 99. s. 21.
154. The Twelve last preceding Sections to extend to Great Britain and Ireland.	

PART XII.

Factories; Regulation of Labour in, and Penalties for Disobedience to Prescribed Rules.

155. Interpretation Clause - - -	7 Vict. c. 15. s. 73. 3 & 4 W. 4. c. 103. ss. 1. and 49.
156. Appointment of Inspectors - - -	
157. Appointment of Sub-Inspectors - - -	3 & 4 W. 4. c. 103. s. 19.
158. Exemption of Inspectors and Sub-Inspectors from parochial Offices - - -	7 Vict. c. 15. s. 2.
159. Protection of Inspectors and Sub-Inspectors -	24 G. 2. c. 44.
160. Office of Factory Inspectors - - -	7 Vict. c. 15. s. 5.
161. Secretary of State to make Rules for Regulation of Office - - - -	7 & 8 Vict. c. 15.
162. Power of Inspectors - - - -	3 & 4 W. 4. c. 103. s. 17. 7 Vict. c. 15. s. 3.
163. Inspectors to make Reports; Proceedings of Inspectors required to be uniform - -	3 & 4 W. 4. c. 103. s. 45.
164. Certifying Surgeons to be appointed by an Inspector - - - - -	7 Vict. c. 15. ss. 8. 9.
165. Certificates not given by Certifying Surgeon must be by Person duly authorized, and countersigned by a Magistrate - -	7 Vict. c. 15. s. 10.
166. Surgical Certificates to be given at the Factory	7 Vict. c. 15. ss. 11. and 16.

	Corresponding Clauses in former Acts.
167. Inspectors and Sub-Inspectors may annul Certificates	7 Vict. c. 15. s. 14.
168. Certificates of real Age may be obtained	7 Vict. c. 15. s. 15.
169. Certificate to be obtained before the Person is employed, and to serve only for One Factory	7 Vict. c. 15. s. 16.
170. Surgical Certificates may be dispensed with for Seven or Thirteen Days	7 Vict. c. 15. s. 17.
171. Persons beginning to occupy a Factory to send Notice to the Office of Factory Inspectors	7 Vict. c. 15. s. 7.
172. An Abstract of Part XII. of this Act and certain Notices to be hung up in every Factory	7 Vict. c. 15. s. 28. 3 & 4 W. 4. c. 103. s. 27.
173. Registers to be kept in Factories in the Form given in Schedule	7 Vict. c. 15. s. 27. and 3 & 4 W. 4. c. 103. s. 18.
174. No Child, young Person, or Woman to be employed in Factory until Name entered in Register	7 Vict. c. 15. s. 9.
175. Children may be employed in Factories at Eight Years of Age	7 Vict. c. 15. s. 29. 3 & 4 W. 4. c. 103. s. 11.
176. Time of Children's Work	7 Vict. c. 15. s. 30.
177. No Person under Thirteen Years of Age, &c. (except, &c.) to be employed more than Six Hours and a Half a Day	3 & 4 W. 4. c. 103. ss. 11 and 14.
178. No Child, young Person, or Woman to be employed before Six A.M. or after Six P.M., or on Saturday after Two P.M.	13 & 14 Vict. c. 54. s. 1. 16 & 17 Vict. c. 104. s. 1. 3 & 4 W. 4. c. 103. ss. 1. 2. 8.
179. Power to employ young Persons from Seven in the Morning till Seven in the Evening, from 30th September to 1st April, under certain Regulations	13 & 14 Vict. c. 54. ss. 2., 6., and 16 & 17 Vict. c. 104. s. 4.
180. Regulations as to Holidays	7 Vict. c. 15. s. 37., 3 & 4 W. 4. c. 103. s. 9.
181. Hours for Meals	7 Vict. c. 15. s. 36., and 13 & 14 Vict. c. 54. ss. 3. and 8. 3 & 4 W. 4. c. 103. s. 6.
182. Provision for recovering lost Time by Stoppage of the Machinery	7 Vict. c. 15. s. 33., 16 & 17 Vict. c. 104. s. 3., and 3 & 4 W. 4. c. 103. s. 3.
183. Clocks by which Hours of Work and Meals to be regulated	7 Vict. c. 15. s. 26.¶
184. Regulations for the Attendance of Children at School	7 Vict. c. 15. s. 38. 3 & 4 W. 4. c. 103. ss. 20. 21.
185. Occupier of Factory to obtain School Certificate, and to pay School Fees	7 Vict. c. 15. s. 39. 3 & 4 W. 4. c. 103. ss. 20. 21.
186. Exemptions of Silk Factories	7 Vict. c. 15. s. 72. 13 & 14 Vict. c. 54. s. 7. 3 & 4 W. 4. c. 103. s. 7.
187. Inspector may by Notice annul the Certificate of any Schoolmaster found unfit; Appeal	7 Vict. c. 15. s. 39.
188. Inspector may declare Dame Schools and other Schools unfit	New Clause.
189. Lime-washing and other washing of the Interior of Factories	7 Vict. c. 15. s. 18., 3 & 4 W. 4. c. 103. s. 26.

	Corresponding Clauses in former Act.
190. Inspectors to give Notice to Owners of Factories to cleanse Privies and Cesspools - -	New Clause.
191. Water-closets to be provided in Factories -	New Clause.
192. Protection of Workers in Wet-spinning Flax Mills - - - - -	7 Vict. c. 15. s. 19.
193. Mill Gearing not to be cleansed while in Motion	7 Vict. c. 15. s. 20.
194. Machinery to be guarded - - -	7 Vict. c. 15. s. 21.
195. Further Provisions for fencing Machinery -	New Clause.
196. Inspector or Sub-Inspector to give Notice of dangerous Machinery; upon Application by the Occupier Arbitrators may be appointed to examine the Machinery - - -	7 Vict. c. 15. s. 13.
197. Notice to be given of Accidents causing bodily Injury - - - - -	7 Vict. c. 15. s. 22.
198. Certifying Surgeon to examine into the Causes and Extent of Accidents, and report thereon	7 Vict. c. 15. s. 23.
199. Action for Compensation by an Inspector -	7 Vict. c. 15. s. 24.
200. Application of Compensation when recovered -	7 Vict. c. 15. s. 25.
201. Penalty for not fencing Machinery after Accident - - - - -	7 Vict. c. 15. s. 60.
202. Occupier of the Factory to be liable for Offences against this Act in the first Instance -	7 Vict. c. 15. s. 41. 3 & 4 W. 4. c. 103. s. 30.
203. Complaints to be preferred within Three Months - - - - -	7 Vict. c. 15. s. 4.
204. Proceedings under Part may be had before any Justices; Power of Distress and Conviction for Penalties - : -	7 Vict. c. 15. s. 45.
205. Issue of Summons for Offences against - -	7 Vict. c. 15. s. 46. 10 G. 4. c. 55.
206. Notice of Intention to prefer Complaint as to Machinery - - - - -	7 & 8 Vict. c. 15. s. 42.
207. Compelling Parties to appear and bring Register - - - - -	7 Vict. c. 15. s. 47.
208. Inspectors and Sub-Inspectors competent Witnesses - - - - -	7 Vict. c. 17. s. 48.
209. Justices may enforce Attendance of Witnesses -	7 Vict. c. 15. s. 49.
210. In case of Partnership, One Name sufficient for Summons - - - -	7 Vict. c. 15. s. 51.
211. Inspectors and Sub-Inspectors may summon Offenders and Witnesses - - -	7 Vict. c. 15. s. 50.
212. Evidence of Employment - - -	7 Vict. c. 15. s. 52. 3 & 4 W. 4. c. 103. s. 24.
213. Proof of Name of Child, young Person, or Woman employed at Factory during prohibited Hours not necessary - - -	New Clause.
214. Surgical Certificates to be Proof of Age -	7 Vict. c. 15. s. 53.
215. Proof of Age of Persons alleged to be Sixteen -	7 Vict. c. 15. s. 54.
216. Proof of Age of Persons alleged to be Eighteen	7 Vict. c. 15. s. 55.
217. Penalty for employing Child, young Person, or Woman during prohibited Hours - -	7 Vict. c. 15. s. 56.
218. Penalty for employing Child, young Person, or Woman without fulfilling Conditions as to Registration, surgical Certificates, &c. -	7 Vict. c. 15. s. 56.
219. Penalty on Parents for allowing Children to be employed contrary to this Act, or neglecting to cause them to attend School - -	7 Vict. c. 15. s. 57. 3 & 4 W. 4. c. 103. s. 29.

	Corresponding Clauses in former Acts.
220. Penalty for not Lime-washing or otherwise washing the Interior of the Factory - -	7 Vict. c. 15. s. 58.
221. Penalty for not Fencing Machinery - -	7 Vict. c. 15. s. 59.
222. Penalty for obstructing Inspectors or Sub-Inspectors - - - - -	7 Vict. c. 15. s. 61.
223. Penalty upon Occupier for obstructing Inspectors or Sub-Inspectors - - -	7 Vict. c. 15. s. 62.
224. Counterfeiting or using false Certificate punishable by Fine or Imprisonment -	7 Vict. c. 15. s. 63. 3 & 4 W. 4. c. 103. s. 28.
225. Penalty for Offences not otherwise specified -	7 Vict. c. 15. s. 64.
226. Penalty in case of Second and subsequent Convictions - - - -	7 Vict. c. 15. s. 65.
227. Application of Penalties - - -	7 Vict. c. 15. s. 66. 5 & 6 W. 4. c. 76.
228. How former Conviction may be proved -	7 Vict. c. 15. s. 67.
229. Convictions to be filed among the Records of the Country - - - - -	7 Vict. c. 15. s. 68.
230. No Appeal from Convictions, except in certain Cases - - - - -	7 Vict. c. 15. s. 69.
231. Appeal - - - - -	7 Vict. c. 15. s. 70.
232. Who are to exercise the Powers of Justices -	7 Vict. c. 15. s. 71. 3 & 4 W. 4. c. 103. s. 46.
233. Penalties may be sued for in County Court -	New Clause.
234. Remuneration of Peace Officers for Services rendered to Inspectors and Sub-Inspectors -	New Clause.
235. Part XII. of this Act to apply to United Kingdom of Great Britain and Ireland.	

PART XIII.

Print Works; Regulation of Labour in Print-Works, and Penalties for Disobedience to Rules.

236. Works to which Part XIII. is to extend -	8 & 9. Vict. c. 29. s. 2.
237. Inspectors and Sub-Inspectors of Factories to be Inspectors and Sub-Inspectors of Printworks	8 & 9 Vict. c. 29. s. 3.
238. Powers and Duties of Inspectors and Sub-Inspectors, and Reference to Sections in Part XII. - - - - -	8 & 9 Vict. c. 29. ss. 4. 5.
239. Appointment of Certifying Surgeons and Surgical Certificates; Necessity for and Modes of obtaining - - - - -	8 & 9 Vict. c. 29. ss. 7. 8. 9. 10. 13. 14. 15 16. 17.
240. Persons carrying on Printworks to send certain Particulars to Inspectors of Factories -	8 & 9 Vict. c. 29. s. 6.
241. Abstract of Part XIII. of Act, with certain Notices to be fixed up in every Printwork -	8 & 9 Vict. c. 29. s. 29.
242. Registers of Children and Young Persons employed to be kept - - - - -	8 & 9 Vict. c. 29. s. 27.
243. No Child or Young Person to be employed till registered - - - - -	
244. No Child under Eight Years of Age to be employed in any Printwork - - -	8 & 9 Vict. c. 29. s. 19.
245. No Child to be employed without Surgical Certificate of Age - - - -	8 & 9 Vict. c. 29. s. 20.

	Corresponding Clauses in former Acts.
246. No Child, Young Person, or Woman to be employed during the Night - - -	8 & 9 Vict. c. 29. s. 22.
247. No Young Person to be employed without Surgical Certificate - - - -	8 & 9 Vict. c. 29. s. 21.
248. Clock to be fixed upon; Inspectors to regulate Hours of Employment - - - -	8 & 9 Vict. c. 29. s. 28.
249. Schoolmaster to keep Register of Attendance of Children - - - - -	10 & 11 Vict. c. 70. ss. 1 & 2.
250. No Child to be employed without Schoolmaster's Certificate - - - -	10 & 11 Vict. c. 70. s. 3.
251. Limitation of Time for bringing Complaints -	8 & 9 Vict. c. 29. s. 31.
252. Penalties for illegal Employment of Child, Young Person, or Woman, by Person not deriving any Benefit from their Wages of such Employment - - - - -	8 & 9 Vict. c. 29. s. 39.
253. Penalties for similar Offence by Persons deriving Benefit from such Wages - - -	8 & 9 Vict. c. 29. s. 40.
254. Penalty for obstructing Inspector - -	8 & 9 Vict. c. 29. s. 41.
255. Penalty for obstructing Inspector in the Night -	8 & 9 Vict. c. 29. s. 42.
256. Penalty for forging or falsifying Certificates, &c.	
257. Penalties for Offences not specifically provided for	8 & 9 Vict. c. 29. s. 43.
258. Non-compliance with Requisitions in Schedule an Offence - - - - -	8 & 9 Vict. c. 29. s. 44. 8 & 9 Vict. c. 29. s. 45.
259. Provisions of Part XII. for Recovery and Application of Penalties, and generally as to Procedure to apply to Part XIII. - -	8 & 9 Vict. c. 29. s. 46 to the end.
260. Part XIII. to apply to whole of United Kingdom of Great Britain and Ireland.	

PART XIV.

General Provisions as to Procedure.

261. No Proceedings under Act to be quashed for want of Form or (with certain Exceptions) removed by Certiorari - - - -	
262. Limitation of Actions against Persons acting under Provisions of Act - - -	
263. Proceedings against Partners - - -	
264. Where not otherwise provided, the Provisions of 11 & 12 Vict. c. 43, shall apply to Proceedings under Act - - - -	

DRAFT

OF A

BILL

TO

Consolidate the Statute Law relating to Masters and Servants, and Masters and Workmen; excepting so much as relates to certain Offences, and to the Mercantile Marine.

BE it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Labour Act, "1854."

II. This Act shall come into Operation on the First Day of *September* A.D. 1854.

III. This Act shall be deemed to be divided into Fourteen Parts, relating to the following Subjects:—

Part I. Contract of Hiring and Service generally.

Part II. Falsifying and forging Characters.

Part III. Wages.

Part IV. Disputes between Masters and Workmen Trades; summary Proceedings for Settlement.

Part V. Disputes between Masters and Apprentices; Summary Proceedings for Settlement.

Part. VI. Tickets of Work to be given out to Workmen with Materials in certain Trades.

Part VII. Arbitration of Differences between Masters and Workmen.

Part VIII. Combination; Proceedings for Suppression.

Part IX. Embezzlement and Frauds by Workmen; summary Proceedings for Punishment of Offenders in Certain Trades and Manufactures.

Part X. Chimney Sweepers; Provisions restraining the Employment of Children to climb Chimneys.

Part XI. Mines and Collieries; Protection of the Lives of Persons employed in Coal Mines, and Prohibition against the Employment of Women and Children in Mines.

Part XII. Factories; Regulation of Labour in, and Penalties for Disobedience to prescribed Rules.

Part XIII. Print Works; Regulation to Labour in Print Works, and Penalties for Disobedience to Rules.

Part XIV. General Provision as to Procedure.

PART I.

CONTRACT OF HIRING AND SERVICE GENERALLY.

IV. *Every Contract of Hiring and Service shall be presumed to be a Contract of Hiring and Service for a Year, unless such Presumption be negatived by the Custom of the particular Trade or Occupation in respect of which the Hiring and Service is to take effect, or of the Place where the Contract is entered into, or by the Terms expressed or implied of the Contract between the Parties.*

See Bracegirdle v. Heald, 1 B. & Ald. 722.
Snelling v. Lord Huntingfield, 1 C.M. & R. 20.
Giraud v. Richmond, 2 C.B. 835.
Leroux v. Brown, W.R. 52–53, p. 22, 22 L.J. C.P. 1.

V. *No Contract of Hiring and Service for a Year, or for any less Period than a Year, where the Service under the Contract is to be entered upon within Six Months after the Time of making the Contract, shall be held to be within the Fourth Section of the* 29 *Car.* 2. *c.* 3, *so as to render it necessary that such Contract should be in Writing.*

VI. Part One of this Act shall not affect the existing Law of Scotland or Ireland.

PART II.

Falsifying and forging Characters: Penalties, and Summary Proceedings against Persons offending.

32 Geo. 3. c. 56. s. 1.

VII. If any Person shall falsely personate any Master, or the Executor, Administrator, Wife, Relation, Housekeeper, Steward, Agent, or Servant of any such Master, and shall either personally or in Writing give any false, forged, or counterfeit Character to any Person offering himself to be hired as a Servant into the Service of any

any Person, then and in such Case every such Person so offending shall forfeit and undergo the Penalty or Punishment mentioned and provided in Section Thirteen.

VIII. If any Person shall knowingly and wilfully pretend or falsely assert in Writing that any Servant has been hired or retained for any Period of Time whatsoever, or in any Station or Capacity whatsoever, other than that for which or in which he shall have hired or retained such Servant in his Employment, or for the Service of any other Person, then and in either of the said Cases such Person so offending shall forfeit and undergo the Penalty or Punishment mentioned and provided in Section Thirteen. 32 Geo. 3. c. 56. s. 2.

IX. If any Person shall knowingly and wilfully pretend or falsely assert in Writing that any Servant was discharged, or left his Service, at any other Time than that at which he was discharged or actually left such Service, or that any such Servant had not been hired or employed in any previous Service, contrary to Truth, then and in either of the said Cases such Person shall forfeit and undergo the Penalty or Punishment mentioned and provided in Section Thirteen. 32 Geo. 3. c. 56. s. 3.

X. If any Person shall offer himself as a Servant, affecting or pretending that he hath served in any Service in which such Servant shall not actually have served, or with a false, forged, or counterfeit Certificate of Character, or shall in anywise add to or alter, efface, or erase any Word, Date, Matter, or Thing contained in or referred to in any Certificate given to him by his last or former actual Master, or by any other Person or Persons duly authorized by such Master to give the same, then and in either of the said Cases such Person shall forfeit and undergo the Penalty or Punishment mentioned and provided in Section Thirteen. 32 Geo. 3. c. 56. s 4.

XI. If any Person having before been in Service, shall, when offering to hire himself as a Servant in any Service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous Service, then and in such Case such Person shall forfeit and undergo the Penalty or Punishment mentioned and provided in Section Thirteen. 32 Geo. 3. c. 56. s. 5.

XII. If any Servant who shall have been guilty of any of the Offences aforesaid shall, before any Information has been given or lodged against him for such Offence, discover and inform against any Person concerned with him in any such Offence, so as such Offender or Offenders be convicted of such Offence, every such Servant so discovering and informing shall thereupon be discharged and indemnified from and against all Penalties and Punishments to which, at 32 Geo. 3. c. 56. s. 8.

the Time of such Information given, he might be liable under any of the Provisions of Part II. of this Act, for or by reason of such his own Offence.

32 Geo. 3. c. 56. s. 6.

XIII. If any Person shall be convicted of any or either of the Offence or Offences aforesaid, by Confession, or by the Oath of One or more credible Witness or Witnesses, before Two or more Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place where the Offence or Offences shall have been committed, every such Offender shall forfeit the Sum of Twenty Pounds, One Moiety whereof shall be paid to the Person or Persons on whose Information the Offender shall have been convicted, and the other Moiety thereof shall go and be applied for the Use of the Poor of the Parish wherein the Offence shall have been committed; and if the Party who shall have been so convicted shall not immediately pay the said Sum of Twenty Pounds so forfeited, together with the Sum of Ten Shillings for the Costs and Charges attending such Conviction, or shall not at the Time of such Conviction give Notice of Appeal, and enter into Recognizance, in the Manner mentioned in Section Fourteen, such Justices shall commit every such Offender to the House of Correction, or some other Prison of the County, Riding, Division, City, Liberty, Town, or Place in which he shall have been convicted, there to remain and be kept to Hard Labour without Bail or Mainprise for any Time not exceeding Three Months nor less than One Month, or until he pay the said Sum so forfeited, together with such Costs and Charges.

32 Geo. 3. c. 56. s. 10.

XIV. If any Person shall think himself aggrieved by anything done in pursuance of Part II. of this Act, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall have arisen, such Applicant entering into a Recognizance with Two sufficient Sureties in the Sum of 20*l.* each, conditioned to try such Appeal, and abide the Order and pay such Costs as shall be awarded upon the hearing of such Appeal; which said Justices shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as the said Justices shall think proper, and their Determination of such General or Quarter Sessions shall be final and conclusive.

XV. Part II. of this Act shall not affect the existing Law of Ireland.

PART III.

Part III.

WAGES.

Payment in Public Houses restrained, Summary Proceedings for Recovery of Wages in particular Trades, and Payment in the current Coin of the Realm required in certain Trades and Occupations.

Wages generally. 5 & 6 Vict. c. 99. ss. 10 & 11. These Sections related to Workmen in Mines and Collieries, but as the Recital to Section 10. states "That the paying of Wages to Workmen at Public Houses is found to be highly injurious to the best Interests of the Working Classes," I have made them general. See the Recital to Section 10. The Language is also a little altered, and the Two Sections thrown into One

XVI. With the Exception of a Licensed Victualler, Inn Keeper, or Alehouse Keeper paying his Servants or Persons employed by him in or about such Business of a Licensed Victualler, Inn Keeper, or Alehouse Keeper, or upon the Premises wherein such Business is carried on, no Person shall pay or cause to be paid any Wages, or Money in respect of Wages, to any Person employed as a Servant or Workman, or to any Person entitled or claiming to have Authority to receive such Wages, at or within any Tavern, Public House, Beershop, or other House of Entertainment, or any Office, Garden, or Place belonging thereto or occupied therewith, and all Payments so made are hereby declared to be of no effect whatever; and Wages paid in such prohibited Places may, notwithstanding such Payment, be recovered by the Person to whom such Wages were due, as though the same had not been paid.

5 & 6 Vict. c. 99. s. 12. The Section as here drawn is made general, whilst in Act it is limited to Mines and Collieries.

XVII. Any Person paying any Wages, or Money in respect of Wages, at such prohibited Place as aforesaid shall for every such Offence forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds.

5 & 6 Vict. c. 99. s. 17.

XVIII. All Proceedings for Penalties under the Two last preceding Sections shall be had before Two or more Justices of the Peace acting for the County, Riding, City, Borough, Division, or Place where the Offence shall happen, or before such Justices, or before the Sheriff of any County or Stewartry in Scotland within which the Offence may have been committed; and such Penalties, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more of such Justices, or under the Hand of any such Sheriff, rendering the Overplus of such Distress and Sale (if any) to the Party, after deducting the Charge of making the same, which Warrant such Justices or Sheriffs are hereby required and empowered to grant upon Conviction of the Offender by Confession, or Oath of One or more Witness or Witnesses; and the Penalties, Costs, and Charges when so levied shall be paid, the One

Half to the Informer, and the other Half to the Overseers or Managers of the Poor of the Parish, Township, or Place where the Offence have been committed, to be by such Overseers or Managers applied in aid of the Rate or Assessment raised for the Relief of the Poor of such Parish, Township, or Place, and in Scotland, in Parishes where there shall be no Assessment for the Relief of the Poor, as the said Managers shall direct, or to Her Majesty in case there shall be no Overseer or Manager.

5 & 6 Vict. c. 99. s. 21.

XIX. Any Person who shall think himself aggrieved by any Conviction of any Justices of the Peace under any of the Provisions of the Three last preceding Sections, may appeal to the next Court of General or Quarter Sessions of the Peace which shall be holden not less than Fifteen Days after the Day of such Conviction, for the County, Stewartry, Riding, City, Borough, Division, or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Seven Days after such Conviction, and Seven clear Days at the least before such Session, and shall also either remain in Custody until the Session, or enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Session of the Peace, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person if in Custody, and the Court at such Session shall hear and determine the Matter of the Appeal, and shall make such Adjudication therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and all Judgments, Determinations, and Proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final, and not subject to Review by any Process of Law or Court whatsoever.

XX. The Four last preceding Sections shall apply to the whole of the United Kingdom of Great Britain and Ireland.

20 G. 2. c. 19. s. 1. 31 G. 2. c. 11. s. 3.

XXI. All Complaints, Differences, and Disputes which shall arise between Masters or Employers and any Person in any of the Employments herein-after next enumerated, that is to say, any Servant

Servant in Husbandry, or any Artificer Calico Printer, or any Person hired or employed to make any Felt or Hat, or to prepare or work up any Woollen, Linen, Fustian, Cotton, Iron, Leather, Tin, Hemp, Flax, Mohair, or Silk Manufactures, or any Manufactures made of Wool, Tin, Hemp, Flax, Cotton, Mohair, or Silk, or of any of the said Materials, mixed one with another, or any Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, touching or concerning any Wages where the Sum in question, if in the Cases of a Servant does not exceed Ten Pounds, or in the Case of any of the other Persons enumerated does not exceed Five Pounds, shall be heard and determined by One or more Justice or Justices of the Peace of the County or Place where such Master or Employer shall inhabit, which said Justice or Justices is and are hereby empowered to examine on Oath any such Master or Employer and such Person so employed as aforesaid, and any Witness or Witnesses, touching any such Complaint, Difference, or Dispute, and to summon such Master to appear before such Justice or Justices at a reasonable Time, to be named in such Summons, and to make such Order for Payment of so much Wages, not exceeding the Sums herein-before limited, as shall appear to such Justice or Justices to be due to such Person so employed as aforesaid, the Amount of such Wages to be paid within such Period as to the said Justice or Justices shall seem fit, and as he or they shall order the same to be paid; and in case of a Refusal or Nonpayment thereof, such Justice and Justices shall issue forth his or their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Master, rendering the Overplus to the Owners after Payment of the Charges of such Distress and Sale.

4 G. 4. c. 34. ss. 3., 5. 10 G. 4. c. 52.

XXII. In any Case where Masters, or Employers reside at considerable Distances from the Parishes or Places where their Business is carried on, or are occasionally absent for long Periods of Time, either beyond the Seas or at considerable Distances from such Parishes or Places, and during such Residence or occasional Absence entrust their Business to the Management and Superintendence of Stewards, Agents, Bailiffs, Foremen, or Managers, it shall be lawful to and for any Justice or Justices of the County or Place where any Person in any of the Employments enumerated in the last preceding Section or any Apprentice shall be employed, upon the Complaint of any such Person or Apprentice touching or concerning the Nonpayment of his Wages, to summon such Steward, Agent, Bailiff, Foreman, or Manager to appear before him or them, at a reasonable Time to be named in such Summons, and to hear and determine the Matter of the Complaint in such and the like Manner as Complaints against any Master

4. G. 4. c. 34. s. 4 10 G. 4. c. 52.

or Employer are directed to be heard and determined in and by the last preceding Section, and also to make an Order for the Payment by such Steward, Agent, Bailiff, Foreman, or Manager, to such Person or Apprentice, of so much Wages as to such Justice or Justices shall appear to be justly due; provided that the Sum in question do not exceed the Sum of Ten Pounds; and in case of Refusal or Nonpayment of any Sum so ordered to be paid by such Steward, Agent, Foreman, Bailiff, or Manager, for the Space of Twenty-one Days from the Date of such Order, such Justice or Justices as aforesaid shall and may issue forth his or their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Master or Employer, rendering the Overplus to the Owner or Owners, or to such Steward, Agent, Bailiff, Foreman, or Manager for the Use of such Master or Employer, after Payment of the Charges of such Distress and Sale.

XXIII. The Two last preceding Sections shall apply to Great Britain, but shall not affect the Law of Ireland.

6 & 7 Vict. c. 40. s. 17.

XXIV. If any Manufacturer or other Party employing, contracting, or engaging with any Person for any Work in any of the Manufactures next enumerated, that is to say, the Manufacture of Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials in, on, or by the Stocking Frame, Warp Machine, or any other Machine employed in the Manufacture of Frame Work, knitted or looped Fabrics, and every Trade, Occupation, Operation, or Employment whatsoever connected with or incidental to the Manufacture of Stockings, Gloves, and other Articles of Hosiery, or in any Manufacture connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, and whether such Work is to be performed by the said Person, or by any Person or Persons to be employed by or under him, or by himself jointly with any Person or Persons to be employed with, by, or under him, and whether the Contract or Engagement shall be to work or be employed for such Manufacturer or other Party exclusively, or for all or Part of his Time, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money, Wages, and Hire as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with

with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished, in which Case such Person shall not be liable to the Penalties awarded by any of the Provisions of this Act against Workmen who shall return their Work unfinished; and this Section shall not affect the existing Law in Scotland or Ireland.

XXV. In all cases of Summary Conviction under the last preceding Section, where the Sum adjudged to be paid shall exceed Twenty Shillings, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions, which shall be held for the County, City, Borough, or Place where such Adjudication shall have been made, (such Person at the Time of such Adjudication giving to the Justices so adjudicating or to the Justice so presiding at the Court of Petty Sessions at which such Adjudication shall take place, Notice in writing of his Intention to Appeal, and also entering into Recognizance at the Time of such Notice with Two sufficient Sureties conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded;) and the Court at such Session shall hear and determine the Matter of the Appeal, and shall make such order therein with or without Costs to either Party as to the Court shall seem meet, and in case of the Dismissal of the Appeal, or the Confirmation of the Adjudication, the said Court shall order and adjudge the Appellant to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing Payment of the same; and it shall be lawful for the said Court, or on the Production of a Certificate of the decision of the Court upon such Appeal under the Hand of the Clerk of the Peace for the said County, City, Borough, or Place, or his Deputy, for any Justice or Justices of the Peace for such County, City, Borough, or Place, either immediately or at any Time thereafter, to issue a Warrant of Distress and Sale, and if there be no sufficient Distress a Warrant, of Apprehension and Commitment, as the Case may require, in like Manner, in all respects, as any Justice or Justices could or might have done in case no Notice of Appeal had been given. 6 & 7 Vict. c. 40. s. 29.

XXVI. If any Silk Manufacturer or Manufacturer of Goods made of Silk mixed with other Materials, or other Party employing, contracting, or engaging with any Person for any Work in any Branch of such 8 & 9 Vict. c. 128. s. 7.

Manufacture, or connected therewith or incidental thereto, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money and Wages as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished; and such Justices shall also fine such Manufacturer or other Party for such Neglect of Payment, for the First Offence Five Pounds, and for the Second Ten Pounds, and Five Pounds extra for every succeeding Offence, unless the said Manufacturer or other Party shall deliver to the said Person employed a Notice in Writing, within Four-and-twenty Hours after such Refusal to pay to the said Person employed the Amount of Wages due, stating the Reasons for such Refusal in full, and that the said Manufacturer or other Party intends to have such Work arbitrated.

1 & 2 W. 4. c. 37. s. 1.

XXVII. In all Contracts to be made for the hiring of any Artificer in any of the Trades and Occupations enumerated in Section Forty-one, or for the Performance by any Artificer of any Labour in any of the said Trades and Occupations, the Wages of such Artificer shall be made payable in the current Coin of this Realm only; and if in any such Contract the whole or any Part of such Wages shall be made payable in any other Manner, such Contract shall be illegal, null, and void.

1 & 2 W. 4. c. 37. s. 2.

XXVIII. If in any Contract to be made between any Artificer in any such enumerated Trades and Occupations and his Employer, any Provision shall be made directly or indirectly respecting the Place where, or the Manner in which, or the Person with whom, the whole or any Part of the Wages due or to become due to any such Artificer shall be laid out or expended, such Contract shall be illegal, null, and void.

1 & 2 W. 4. c. 37. s. 3.

XXIX. The entire Amount of the Wages earned by or payable to any Artificer in any such enumerated Trades and Occupations, in respect of any Labour by him done in any such Trade or Occupation, shall be actually paid to such Artificer in the current Coin of this Realm; and every

every Payment made to any such Artificer by his Employer, of or in respect of any such Wages, by the delivering to him of Goods or otherwise than in the current Coin aforesaid, except as mentioned in Section Forty-two, shall be illegal, null, and void.

XXX. Every Artificer in any of such enumerated Trades and Occupations shall be entitled to recover from his Employer in any such Trade the whole or so much of the Wages earned by such Artificer in such Trade or Occupation as shall not have been actually paid to him by such his Employer in the current Coin of this Realm. 1 & 2 W. 4. c. 37. s. 4.

XXXI. In any Action, Suit, or other Proceeding to be brought or commenced by any such Artificer as aforesaid, against his Employer, for the Recovery of any Sum of Money due to any such Artificer as the Wages of his Labour in any of such enumerated Trades, the Defendant shall not be allowed to make any Set-off, nor to claim any Reduction of the Plaintiff's Demand, by reason or in respect of any Goods, Wares, or Merchandise had or received by the Plaintiff as or on account of his Wages or in Reward for his Labour, or by reason or in respect of any Goods, Wares, or Merchandise sold, delivered, or supplied to such Artificer at any Shop or Warehouse kept by or belonging to such Employer, or in the Profits of which such Employer shall have any Share or Interest. 1 & 2 W. 4. c. 37. s. 5.

XXXII. No Employer of any Artificer in any of such enumerated Trades and Occupations shall have or be entitled to maintain any Suit or Action in any Court of Law or Equity against any such Artificer for or in respect of any Goods, Wares, or Merchandise sold, delivered, or supplied to any such Artificer by any such Employer, whilst in his Employment, as or on account of his Wages or Reward for his Labour, or for or in respect of any Goods, Wares, or Merchandise sold, delivered, or supplied to such Artificer at any Shop or Warehouse kept by or belonging to such Employer, or in the Profits of which such Employer shall have any Share or Interest. 1 & 2 W. 4. c. 37. s. 6.

XXXIII. If any such Artificer as aforesaid, or his Wife or Widow, or if any Child of any such Artificer, not being of the full Age of Twenty-one Years, shall become chargeable to any Parish or Place, and if within the Space of Three Calendar Months next before the Time when any such Charge shall be incurred such Artificer shall have earned or have become entitled to receive any Wages for any Labour by him done in any of such enumerated Trades and Occupations, which Wages shall not have been paid to such Artificer in the current Coin of this Realm, it shall be lawful for the Overseer of the Poor in such Parish or Place to recover from the Employer of such Artificer in whose Service such Labour was done the full Amount of Wages so unpaid, 1 & 2 W. 4. c. 37. s. 7.

and to proceed for the Recovery thereof by all such Ways and Means as such Artificer himself might have proceeded for that Purpose; and the Amount of the Wages which may be so recovered shall be applied in reimbursing such Parish or Place all Costs and Charges incurred in respect of the Person to become chargeable, and the Surplus shall be applied and paid over to such Person.

1 & 2 W. 4. c. 37. s. 8.

XXXIV. Nothing herein contained shall be construed to prevent or to render invalid any Contract for the Payment, or any actual Payment, to any such Artificer as aforesaid, of the whole or any Part of his Wages, either in the Notes of the Governor and Company of the Bank of England, or in the Notes of any Person or Persons carrying on the Business of a Banker, and duly licensed to issue such Notes in pursuance of the Laws relating to Her Majesty's Revenue of Stamps, or in Drafts or Orders for the Payment of Money to the Bearer on Demand, drawn upon any Person carrying on the Business of a Banker, being duly licensed as aforesaid, within Fifteen Miles of the Place where such Drafts or Orders shall be so paid, if such Artificer shall be freely consenting to receive such Drafts or Orders as aforesaid, but all Payments so made in any such Notes, Drafts, or Orders as aforesaid, shall for the Purposes of this Act be as valid and effectual as if such Payments had been made in the current Coin of the Realm.

1 & 2 W. 4. c. 37. s. 9.

XXXV. Any Employer of any Artificer in any of the Trades and Occupations enumerated in Section XLI., who shall, by himself or by the Agency of any other Person, directly or indirectly enter into any Contract or make any Payment hereby declared illegal, shall for the First Offence forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, and for the Second Offence any Sum not exceeding Twenty Pounds nor less than Ten Pounds, and in case of a Third Offence any such Employer shall be and be deemed guilty of a Misdemeanor, and, being thereof convicted, shall be punished by Fine only, at the Discretion of the Court, so that the Fine shall not in any Case exceed the Sum of One hundred Pounds.

1 & 2 W. 4. c. 37. ss. 10–18.

XXXVI. Offences committed against any of the Provisions in the Nine last preceding Sections, and not herein-before declared a Misdemeanor, shall be inquired of and determined, and all Fines and Penalties for such Offences shall be sued for and recovered by any Person who shall sue for the same, before any Two Justices of the Peace having Jurisdiction within the County, Riding, City, or Place in which the Offence shall have been committed; and the Amount of the Fines, Penalties, and other Punishments to be inflicted upon any such Offenders shall, within the Limits herein-before prescribed, be

be in the Discretion of such Justices, or, in Cases of Misdemeanor, of the Court before which the Offence may be tried; and in case of a Second Offence it shall be sufficient Evidence of the previous Conviction and Offence, if a Certificate, signed by the Clerk of the Peace or other Officer having the Custody of the Record of such previous Conviction, shall be produced before the said Justices inquiring of such Second Offence, in which Certificate shall be stated in a compendious Form the general Nature of the Offence for which such previous Conviction was had, and the Date of such previous Conviction; and so in like Manner, upon the Trial of any Indictment or Information for any such Misdemeanor as aforesaid, it shall be sufficient Evidence of such Second Conviction for a like Offence if a Certificate thereof, signed by the Clerk of the Peace or other Officer having the Custody of the Record of such Second Conviction, in such Form as aforesaid, be produced to the Court and Jury: Provided always, that no Person shall be punished as for a Second Offence unless Ten Days at the least shall have intervened between the Conviction of such Person for the First and the Conviction of such Person of the Second Offence, but each separate Offence committed by any such Person before the Expiration of the said Term of Ten Days shall be punishable by a separate Penalty, as though the same were a First Offence; and that no Person shall be punished as for a Third Offence under this Act unless Ten Days at the least shall have intervened between the Conviction of such Person for the Second and the Conviction of such Person of the Third Offence, but each separate Offence committed by any such Person before the Expiration of the said Term of Ten Days shall be punishable by a separate Penalty, as though the same were a Second Offence; and that the Fourth or any subsequent Offence which may be committed by any such Person shall be inquired of, tried, and punished in the Manner herein-before provided in respect of any Third Offence; and if the Person preferring any such Information shall not be able or shall not see fit to produce Evidence of any such previous Conviction as aforesaid, any such Offender shall be punished for each separate Offence by an equal Number of distinct and separate Penalties, as though each of such Offences were a First or a Second Offence, as the Case may be; and that no Person shall be proceeded against or punished as for a Second or as for a Third Offence at the Distance of more than Two Years from the Commission of the next preceding Offence. And no Person shall be liable to be convicted of any Offence committed by his Copartner in Trade, without his Knowledge, Privity, or Consent; but it shall be lawful, when any Penalty, or any Sum for Wages, or any other Sum, is ordered to be paid, under the Authority of any of the Nine last preceding Sections, and the Person

ordered to pay the same shall neglect or refuse to do so, to levy the same by Distress and Sale of any Goods belonging to any Copartnership Concern or Business in the carrying on of which such Charges may have become due or such Offence may have been committed; and in all Proceedings under any of the Provisions of the Nine last preceding Sections to recover any Sum due for Wages it shall be lawful in all Cases of Copartnership for the Justices, at the Hearing of any Complaint for the Nonpayment thereof, to make an Order upon any One or more Copartners for the Payment of the Sum appearing to be due; and in such Case the Service of a Copy of any Summons or other Process, or of any Order, upon One or more of such Copartners, shall be deemed to be a sufficient Service upon all.

1 & 2 W. 4. c. 37. s. 18.

XXXVII. Out of any Penalty or Forfeiture incurred under any of the Provisions of the Ten last preceding Sections, it shall be lawful for the Court or Justices imposing the same to award any Sum to the Informer not exceeding in any Case the Sum of Twenty Pounds; and the Rest of any such pecuniary Penalty or Forfeiture shall go to the Treasurer of the County in which such Offence shall be committed, in aid of the Rates of such County: Provided always, that every Proceeding whatsoever for any Offence in respect of which any such Penalties or Forfeitures shall be incurred shall be commenced within Three Calendar Months after such Offence shall have been committed.

1 & 2 W. 4. c. 37. s. 21.

XXXVIII. No Justice of the Peace, being a Person also engaged in any of the Trades or Occupations enumerated in Section Forty-one, or the Father, Son, or Brother of any such Person, shall act as a Justice of the Peace under the Eleven last preceding Sections of this Act.

1 & 2 W. 4. c. 37. s. 22.

XXXIX. In all Cities, Boroughs, or Corporate Towns, where the Magistrates for the Time being are disqualified by the last preceding Section from so acting, it shall be lawful for the Magistrates of the County in which the Offence may be committed (and not disqualified as aforesaid) to hear, examine, and determine any Offences committed against this Act in any such Cities, Boroughs, or Corporate Towns; and it shall be lawful for the Complainant to remove the Cases of Information or Complaint from the said Cities, Boroughs, or Corporate Towns to any other Court of Session or Petty Session, not exceeding Twelve Miles from the Place where the Offence shall have been committed.

3 & 4 W. 4. c. 37. s. 16.

XL. The Justices before whom any Conviction shall be had under the last preceding Sections shall cause the same to be returned to the next General or Quarter Sessions of the Peace holden for the County

or

or Place wherein the Offence shall have been committed; and the same shall then and there be delivered to the Clerk of the Peace or other Person acting as such, to be by him filed among the Records of the said Court; and such Clerk of the Peace, or other Person acting as such, is hereby required, on the Tender and Payment to him of the Sum of One Shilling, to grant to any Person or Persons on Demand a Copy of any such Conviction, with a Certificate thereupon indorsed, or thereunto annexed, that the same is a true and accurate Copy of the original Conviction returned to such General or Quarter Sessions as aforesaid.

XLI. Nothing contained in the last Fourteen preceding Sections shall extend to any Domestic Servant, or Servant in Husbandry, or to any Artificer, Workman, or Labourer, or other Person engaged or employed in any Manufacture, Trade, or Occupation, excepting only Artificers, Workmen, Labourers, and other Persons employed in the several Trades, and Occupations following; (that is to say,) in or about the making, casting, converting, or manufacturing of Iron or Steel, or any Parts, Branches, or Processes thereof; or in or about the working or getting of any Mines of Coal, Ironstone, Limestone, or Salt Rock; or in or about the working or getting of Stone, Slate, or Clay; or in the making or preparing of Salt, Bricks, Tiles, or Quarries; or in or about the making or manufacturing of any Kinds of Nails, Chains, Rivets, Anvils, Vices, Spades, Shovels, Screws, Keys, Locks, Bolts, Hinges, or any other Articles or Hardwares made of Iron or Steel, or of Iron and Steel combined, or of any plated Articles of Cutlery, or of any Goods or Wares made of Brass, Tin, Lead, Pewter, or other Metal, or of any japanned Goods or Wares whatsoever; or in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, bleaching, dyeing, printing, or otherwise preparing of any Kinds of Woollen, Worsted, Yarn, Stuff, Jersey, Linen, Fustian, Cloth, Serge, Cotton, Leather, Fur, Hemp, Flax, Mohair, or Silk Manufactures whatsoever, or in or about any Manufactures whatsoever made of the said last-mentioned Materials, whether the same be or be not mixed one with another; or in or about the making or otherwise preparing, ornamenting, or finishing of any Glass, Porcelain, China, or Earthenware whatsoever, or any Parts, Branches, or Processes thereof, or any Materials used in any of such last-mentioned Trades or Employments; or in or about the making or preparing of Bone, Thread, Silk, or Cotton Lace, or of Lace made of any mixed Materials. 1 & 2 W. 4. c. 37. ss. 19, 20.

XLII. Nothing contained in the Fifteen last preceding Sections shall extend or be construed to extend to prevent any Employer of any Artificer, or Agent of any such Employer, from supplying or contracting 1 & 2 W. 4. c. 37. s. 23.

tracting to supply to any such Artificer any Medicine or Medical Attendance, or any Fuel, or any Materials, Tools, or Implements to be by such Artificer employed in his Trade or Occupation, if such Artificer be employed in Mining, or any Hay, Corn, or other Provender to be consumed by any Horse or other Beast of Burden employed by any such Artificer in his Trade and Occupation; nor from demising to any Artificer, Workman, or Labourer employed in any of the Trades or Occcupations enumerated in this Act the whole or any Part of any Tenement at any Rent to be thereon reserved; nor from supplying or contracting to supply to any such Artificer any Victuals dressed or prepared under the Roof of any such Employer, and there consumed by such Artificer; nor from making or contracting to make any Stoppage or Deduction from the Wages of any such Artificer, for or in respect of any such Rent; or for or in respect of any such Medicine or Medical Attendance; or for or in respect of such Fuel, Materials, Tools, Implements, Hay, Corn, or Provender, or of any such Victuals dressed and prepared under the Roof of any such Employer; or for or in respect of any Money advanced to such Artificer for any such Purpose as aforesaid: Provided always, that such Stoppage or Deduction shall not exceed the real and true Value of such *Tenement*, *Medicine*, *Victuals*, Fuel, Materials, Tools, Implements, Hay, Corn, and Provender, and shall not be in any Case made from the Wages of such Artificer, unless the Agreement or Contract for such Stoppage or Deduction shall be in Writing, and signed by such Artificer.

1 & 2 W. 4. c. 37. s. 24.

XLIII. Nothing contained in such Fifteen Sections shall extend or be construed to extend to prevent any such Employer from advancing to any such Artificer any Money to be by him contributed to any Friendly Society or Bank for Savings duly established according to Law, nor from advancing to any such Artificer any Money for his Relief in Sickness, or for the Education of any Child or Children of such Artificer, nor from deducting or contracting to deduct any Sum or Sums of Money from the Wages of such Artificer for the Education of any such Child or Children of such Artificer, provided that the Agreement or Contract for such Deduction shall be in Writing, and signed by such Artificer.

1 & 2 W. 4. c. 37. s. 25.

XLIV. Within the Meaning and for the Purposes of the Seventeen last preceding Sections, all Workmen, Labourers, and other Persons in any Manner engaged in the Performance of any Work, Employment, or Operation, of what Nature soever, in or about the several Trades and Occupations enumerated in Section Forty-one, shall be and be deemed "Artificers;" and all Masters, Bailiffs, Foremen, Managers, Clerks, and other Persons engaged in the Hiring, Employment, or Superintendence

Superintendence of the Labour of any such Artificers shall be and be deemed to be "Employers;" and any Money or other Thing had or contracted to be paid, delivered, or given as a Recompence, Reward, or Remuneration for any Labour done or to be done, whether within a certain Time or to a certain Amount, or for a Time or an Amount uncertain, shall be deemed and taken to be the "Wages" of such Labour; and any Agreement, Understanding, Device, Contrivance, Collusion, or Arrangement whatsoever on the Subject of Wages, whether written or oral, whether direct or indirect, to which the Employer and Artificer are Parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an Obligation on the other of them, shall be and be deemed a "Contract."

XLV. The Provisions in the Eighteen last preceding Sections shall extend over Great Britain only — 1 & 2 W. 4. c. 37. s. 27.

PART IV.

Disputes between Masters and Workmen in certain Trades and Occupations. Summary Proceedings for Settlement.

XLVI. If any Persons in any of the Employments herein-after next enumerated, that is to say, any Servant in Husbandry, or any Artificer, Calico Printer, or Person hired or employed to make any Felt or Hat, or to prepare or work up any Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, or Silk Manufactures, or any Manufactures made of Wool, Fur, Hemp, Flax, Cotton, Mohair, or Silk, or any of the said Materials mixed one with another, or any Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other Person, shall contract with any Person whomsoever to serve him, for any Time whatsoever, or in any other Manner, and shall not enter into and commence his Service, according to his Contract (such Contract being in Writing and signed by the Contracting Parties) or having entered into such Service, shall absent himself from his Service before the Term of his Contract, whether such Contract shall be in Writing or not in Writing, shall be completed, or neglect to fulfil the same, or be guilty of any other Misconduct or Misdemeanor in the Execution thereof, or otherwise respecting the same, then and in every such Case, it shall and may be lawful for any Justice of the Peace of the County or Place where any person in any of the Employments herein-before, — 20 G. 2. c. 19 s. 2. 6 G. 3. c. 25. s. 4. 4 G. 4. c. 34. s. 3. 10 G. 4. c. 52

enumerated, shall have so contracted or been employed, or be found and such Justice is hereby authorized and empowered upon Complaint thereof, made upon Oath to him by the Person with whom any Person in any of the Employments herein-before enumerated, shall have so contracted, or by his Steward, Agent, or Manager, to issue his Warrant for the Apprehending every such Person so complained against, and to examine into the Nature of such Complaint; and if it shall appear to such Justice that any Person in any of the Employments herein-before enumerated, shall not have fulfilled such Contract, or shall have been guilty of any other Misconduct or Misdemeanor as aforesaid, it shall be lawful for such Justice to commit every such Person to the House of Correction, there to remain and be held to Hard Labour for a reasonable Time, not exceeding Three Months, and to abate a proper and proportionable Part of his Wages during such Period as he shall be so confined in the House of Correction, or in lieu thereof, to punish the Offender, by abating the whole or any Part of his Wages, or to discharge such Person from his Contract, Service, or Employment, which Discharge shall be given under the Hand and Seal of such Justice gratis.

20 Geo. 2. c. 19. s. 2.

XLVII. It shall be lawful for One or more Justice or Justices of the Peace of the Place where such Master shall inhabit upon any Complaint or Application upon Oath by any Servant in Husbandry, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, against his Master, or Employer, touching or concerning any Misusage, Refusal of necessary Provision, Cruelty, or other ill Treatment of, to, or towards such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, or other Labourer, to summon such Master, or Employer to appear before such Justice or Justices at a reasonable Time to be fixed in such Summons; and such Justice or Justices shall examine into the Matter of such Complaint, whether such Master or Employer, shall appear or not, Proof being made upon Oath of his being duly summoned, and upon Proof thereof made upon Oath to his or their Satisfaction such Justice or Justices shall discharge such Servant, Artificer, Handicraftsman, Miner, Collier Keelman, Pitman, Glassman, Potter, or other Labourer of and from his said Service and Employment, which Discharge shall be given under the Hand or Hands of such Justice or Justices gratis.

XLVIII. The Two last preceding Sections shall apply to Great Britain, and shall not affect the Law of Ireland.

6 & 7 Vict. c. 40. s. 7.

XLIX. If any Person intrusted, employed, or contracting to prepare work up, or manufacture, or to have prepared, worked up, or manufactured, either by himself or by any Person or Persons to be employed by

by or under him, or by himself jointly with any Person or Persons to be employed by or under him, any Woollen, Worsted, Linen, Cotton, Flax, Mohair, or Silk Materials, shall not prepare, work up, or manufacture, or cause to be prepared, worked up, or manufactured, the said Materials, and return the same, within Seven clear Days after the Time which shall have been agreed upon between such Person and the Owner of the said Materials, or other the Person intrusting him therewith, and in case no such Time shall have been so agreed upon then within Seven clear Days after being required so to do (unless prevented by some reasonable and sufficient Cause, to be allowed by the Justices before whom he shall be brought), or shall leave or return such Materials without having performed as he could and ought to have done the Work he was employed to perform thereon or thereto, and without the Consent of the Person intrusting him with such Materials as aforesaid, or shall damage the same, or if any Person shall contract or engage to work or be employed to do or perform, or to have done or performed any Work, in any of the said Manufactures, or connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, either by himself or by any Person or Persons to be employed by or under him, and whether such Contract or Engagement shall be to work or be employed for any Person exclusively, or for all or Part of his Time, or for specific Work or otherwise, and whether such Person is to be paid according to the Value or Amount of the Work done, the Time employed, or in any other Manner whatsoever, and shall neglect to fulfil such Contract or Engagement, or absent himself from such Work or Employment before such Notice (if any) as shall have been agreed upon between the said Parties for determining the said Contract or Engagement shall have been given and have expired, or without giving such Notice, or contrary to the Terms of such Contract or Engagement (unless prevented as aforesaid, to be allowed as aforesaid), then and in every such Case such Person, being thereof lawfully convicted on Oath before Two or more Justices of the Peace, shall forfeit any Sum not exceeding Two Pounds as to such Justices shall seem meet, and also in case the said Materials shall be damaged, the Amount of the Injury done thereto, to be ascertained by the said Justices, together with Costs; and every such Forfeiture shall be applied, under the Direction of the Justices so convicting, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think proper, and the Remainder, if any, shall be applied in the same Manner as any Penalty under this Act for which no specific Application has been directed; and in default of Payment of such Forfeiture and Costs immediately on Conviction, or within such Period as the said Justices so convicting shall direct, the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction,

there to be imprisoned with or without Hard Labour as to the said Justices shall seem meet, for any Term not exceeding Two Calendar Months, unless the Amount of such Forfeiture and Costs be sooner paid; and this Section shall not affect the Law of Scotland or of Ireland.

6 & 7 Vict. c. 40. s. 29.

L. In all Cases of summary Conviction under the last preceding Section where the Sum adjudged to be paid shall exceed Twenty Shillings or the Imprisonment shall exceed One Month, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be held for the County, City, Borough, or Place where such Conviction shall have been made, (such Person at the Time of such Conviction giving to the Justices so convicting or to the Justice so presiding at the Court of Petty Sessions at which such Conviction shall take place Notice in Writing of his Intention to Appeal, and also entering into a Recognizance at the Time of such Notice with Two sufficient Sureties conditioned personally to appear at the said Sessions, and to try such Appeal and to abide the Judgment of the Court thereupon, and to pay such Costs as shall by the Court be awarded;) and upon such Notice being given and such Recognizance being entered into the Justice or Justices before whom the same shall be entered into shall liberate such Person if in Custody, and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without to either Party Costs, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or Confirmation of the Conviction the said Court shall order and adjudge the Offender to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing Payment of the same; and it shall be lawful for the said Court or, on the Production of a Certificate under the Hand of the Clerk of the Peace for the said County, City, Borough, or Place, or his Deputy, for any Justice or Justices of the Peace for such County, City, Borough, or Place either immediately or at any Time thereafter to issue a Warrant of Distress and Sale, or a Warrant for the Apprehension and Commitment of such Offender for such Period of Time as, together with the Days during which such Person so convicted shall have been imprisoned, if any, previously to being discharged by reason of such Appeal, shall amount to the same Period or Term of Imprisonment for which such Person was adjudged to be imprisoned at the Time of Conviction, or to issue a Warrant of Distress and Sale, and if there be no sufficient Distress a Warrant of Apprehension and Commitment as the Case may require, in like Manner in all respects as any Justice or Justices could or might have done in case no Notice of Appeal had been given.

LI. If

LI. If any Person making any Bargain, or entering into any Contract in Writing for raising or getting any Coal, Culm, Iron Stone, or Iron Ore, shall wilfully and to the Prejudice of the Owner raise, get, or work, or cause to be raised, got, or worked any such Coal, Culm, Iron Stone, or Iron Ore, in a different Manner to his Stipulations in respect thereto, and contrary to the Directions and against the Will of the Owner, or his Agent having the Care thereof, or shall desist or refuse to fulfil the Engagements they have entered into, every Person so offending and being thereof convicted, either by the Confession of the Party offending, or upon the Oath of One or more credible Witness before One or more of Her Majesty's Justices of the Peace for the County wherein such Offence shall have been committed, shall for every such Offence, on Complaint of the Owner or his Agent and not otherwise, forfeit and pay such Sum of Money, not exceeding Forty Shillings, as to such Justice shall seem meet, together with the Charges previous to and attending such Conviction, to be ascertained by the Justice who shall convict such Offender, and upon Nonpayment thereof such Justice shall commit the Offender to the Common Gaol of the County or Place where the Offence shall be committed, without Bail or Mainprize, for any Term not exceeding Six Months, or until the Penalty and Charges shall be paid; and upon such Conviction every such Bargain, Contract, or Agreement shall become void: And this Section shall apply to Great Britain, and shall not affect the Laws of Ireland. 39 & 40 G. 3. c. 77. s. 3.

LII. Any Person thinking himself aggrieved by any Order or Determination of any Justice or Justices of the Peace in pursuance of the last preceding Section, save and except any Order of Commitment, may, within Three Calendar Months after such Order and Determination shall be made, complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County or Place where the cause of Appeal shall arise, who shall hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for the said County or Place, and if they see cause, may quash any Conviction, or mitigate any Forfeiture or Fine, and may award Costs to either Party, or order any Money to be returned which shall have been levied in pursuance of any such Order or Determination, and shall and may also award such further satisfaction to be made to the Party injured as they shall judge reasonable. 39 & 40 G. 3. c. 77. s. 10.

PART V.

Disputes between Masters and Apprentices. Summary Proceedings for Settlement.

20 Geo. 2. c. 19. s. 6.
6Geo. 3. c. 25. ss. 1. 2. 3.
4Geo. 4. c.34. s. 1.
5& 6 Vict. c. 7.

LIII. It shall be lawful for any Master, and also for his Steward, Manager, or Agent, to make Complaint upon Oath against any Apprentice with whom no Premium or a Premium not exceeding Twenty-five Pounds shall have been paid, to any Justice of the Peace of the County or Place where such Apprentice shall be employed, of or for any Misdemeanor, Misconduct, or ill Behaviour of any such Apprentice; or if such Apprentice shall have absconded it shall be lawful for any Justice of the Peace of the County or Place where such Apprentice shall be found, or where such Apprentice shall have been employed, upon Complaint thereof made upon Oath by such Master, Steward, Manager, or Agent, to issue his Warrant for apprehending every such Apprentice; and it shall be lawful for any such Justice to hear and determine the same Complaint, and to punish the Offender by abating the whole or any Part of his Wages, or otherwise by Commitment to the House of Correction there to remain and be held to Hard Labour for a reasonable Time not exceeding Three Months; or if it shall appear to any such Justice that any such Apprentice has absented himself from his Master's Service before the Term of his Apprenticeship has expired, such Justice shall if he shall think fit so to do, make an Order upon such Apprentice directing him to serve his said Master for so long a Time as he shall have absented himself from such Service, unless he shall make Satisfaction to his Master for the Loss he shall have sustained, the Amount of such Satisfaction to be fixed by such Justice; and in case such Apprentice shall refuse or neglect to serve as required by the Order of such Justice, or to make such Satisfaction to his Master, then such Justice may require such Apprentice to give Security that he will within such Time as the said Justice shall limit make to his Master such Satisfaction as the said Justice shall determine; and in case such Apprentice shall not give such Security, then it shall be lawful for such Justice to commit such Apprentice to the House of Correction for any Time not exceeding Three Months: but no such Apprentice shall be compelled to serve for any Time or Term, or to make any Satisfaction to his Master, after the Expiration of Seven Years next after the End of the Term for which he shall have contracted to serve.

The latter Part of this Clause contains the Substance of the 1st Section of 6 Geo. 3. c. 29. That Act gives an Appeal; but as 4 Geo. 4. c. 34., which provides generally as to Disputes between Masters and Apprentices, gives no Appeal, and as by Section 5. of that Act the Appeal given by 20 Geo. 2. c. 19. as to Wages is taken away, I have not inserted a Clause giving an Appeal, as it seems to me that the Legislature intended to take away all such Right of Appeal by the 5th Section of 4 Geo. 4. c. 34.

LIV. It shall and may be lawful to and for any Two or more such Justices, upon any Complaint or Application by any Apprentice put out by the Parish, or any other Apprentice upon whose binding out no Premium or no larger a Sum than Twenty-five Pounds of lawful British Money was paid, touching or concerning any Misusage, Refusal of necessary Provision, Cruelty, or other ill Treatment of or towards such Apprentice by his Master, to summon such Master to appear before such Justices at a reasonable Time to be named in such Summons; and such Justices shall examine into the Matter of such Complaint, and upon Proof thereof made upon Oath to their Satisfaction (whether the Master be present or not, if Service of the Summons be also upon Oath proved,) the said Justices may discharge such Apprentice by Warrant or Certificate under their Hands and Seals, for which Warrant or Certificate no Fees shall be paid; and such Justices may also make an Order upon the Master of such Apprentice to refund all or any Part of the Premium which may have been or shall be paid upon the binding or placing out of such Apprentice as such Justices in their Discretion shall see fit; and in case any Sum of Money which shall be so ordered to be refunded by such Master shall be neglected to be paid as directed in any such Order, it shall be lawful for such Two or more Justices in Petty Sessions, by Warrant under their Hands and Seals, to levy the same upon the Goods and Chattels of such Master with the Costs and Charges of levying such Distress, rendering the Overplus of the Sale of such Goods and Chattels upon demand to such Master; and in case there shall not be sufficient Goods and Chattels whereon to levy the same, then it shall and may be lawful for such Justices to commit such Offender to the House of Correction for any Time not exceeding Two Months, unless the Sum or Sums ordered to be refunded, with all Costs, shall be sooner paid and satisfied.

20 Geo. 2. c. 19. s. 3. 4 Geo. 4. c. 29. ss. 1. 2. 5 & 6 Vict c. 7.

LV. All Complaints, Differences, and Disputes which shall arise between Masters and their Apprentices, with whom no Premium or not more than Twenty-five Pounds Premium has been paid, or concerning any Wages where the Sum in question does not exceed Ten Pounds, which may be due to such Apprentices, shall and may be heard and determined by One or more Justice or Justices of the Peace of the County or Place where such Apprentice shall be employed, which said Justice or Justices is and are hereby empowered to examine on Oath any such Master, Apprentice, or any Witness touching any such Complaint, Difference, or Dispute, and to summon such Master to appear before such Justice or Justices at a reasonable Time to be named in such Summons, and to make such Order for Payment of so much

4 Geo. 4. c. 34. s. 2. 20 Geo. 2. c. 19. 4 Geo. 4. c. 29. ss. 1 2. 3.

much Wages to such Apprentice or Apprentices as according to the Terms of his, her, or their Indentures of Apprenticeship shall appear to such Justice or Justices, under all the Circumstances of the Case, to be justly due, the Amount of such Wages to be paid within such Period as the said Justice or Justices shall think proper, and shall order the same to be paid; and in case of a Refusal or Nonpayment thereof, such Justice and Justices shall and may issue forth his and their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Master or Mistress, rendering the Overplus to the Owners after Payment of the Charges of such Distress and Sale.

LVI. The Three last preceding Sections shall apply to Great Britain, and shall not affect the Law of Ireland, and nothing in such Sections shall affect the Jurisdiction of the Chamberlain of the City of London.

PART VI.

Tickets of Work to be given out to Workmen with Materials in certain Trades.

8 & 9 Vict. c. 77. s. 1.

LVII. When any Manufacturer of Hosiery, or the Agent of any such Manufacturer, gives out to a Workman the Materials to be wrought, such Manufacturer or Agent shall at the same Time deliver to such Workman a printed or written Ticket, signed by such Manufacturer, containing the Particulars of the Agreement between such Manufacturer and such Workman, as follows,

If the Material be to be manufactured into Stockings:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width:
Mark:
Length of Leg:
Length of Foot:
Narrowings in Leg:
Narrowings in Heel:
Narrowings in Gusset:
Narrowings in Toe:
Dumps or Clocks:
Bound Heels or Toes:

Wrought

Wrought Heels or Cut:
Wrought Feet or Cut:
Turnings in Leg:
Welted or not:
Weight per Dozen:
Price per Dozen Pair of making Legs:
Price per Dozen Pair of making Feet:
Name of Party putting out the Work:
Name of Artificer.

If the Material be to be manufactured into Socks:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width:
Mark:
Length of Leg with Top
Length of Foot:
Narrowings in Heel:
Narrowings in Gusset:
Narrowings in Toe:
Cut or Wrought Heels:
Cut or Wrought Feet:
Price per Dozen Pair:
Name of Party putting out the Work:
Name of Artificer.

If the Material be to be manufactured into Gloves

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width of Hand:
Jacks in Width of Finger:
Mark:
Length of Hand:
Length of Finger:
What Kind of Welts:
Plaited or not:
What Figure in Back of Hand:
Weight per Dozen:
Price per Dozen Pair of making Hands:

Price per Dozen Pair of making Fingers:
Name of Party putting out the Work
Name of Artificer.

If the Material be to be manufactured into Shirts:

Gauge:
Ribbed or plain:
What Kind of Material:
Size:
Jacks in Width of Body;
Jacks in Width of Sleeve:
Mark:
Length of Body:
Length of Sleeve:
Fashioned or not:
Welted or not:
Weight per Dozen:
Price per Dozen of making Bodies:
Price per Dozen Pair of making Sleeves.
Name of Party putting out the Work:
Name of Artificer.

If the Material be to be manufactured into Caps:

Gauge:
Ribbed or plain:
Material:
Jacks in Width:
Fashion:
Striped or plain:
Weight per Dozen:
Price per Dozen:
Name of Party putting out the Work:
Name of Artificer.

If the Material be to be manufactured into any other Description of Hosiery:

Gauge:
Length:
Width:
Weight:
Price:
Fashion:
Name of Party putting out the Work:
Name of Artificer.

and

and such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

LVIII. When any Manufacturer of Silk Goods or of Goods made of Silk mixed with other Materials, or the Agent of any such Manufacturer, gives out to a Weaver of such Goods a Piece of Warp to be woven, such Manufacturer or Agent shall at the same Time deliver to such Weaver (unless both Parties shall by Writing under their respective Hands agree to dispense therewith) a printed or written Ticket, signed by such Manufacturer or Agent, containing the following Particulars of the Agreement between such Manufacturer or Agent and such Weaver; (that is to say,) 8 & 9 Vict c. 128. s. 1.

The Count or Richness of the Warp or Cane:
The Number of Shoots or Picks required in each Inch:
The Number of Threads of Weft to be used in each Shoot:
The Name of the Manufacturer, or the Style of the Firm under which he carries on Business:
The Weaver's Name, with the Date of the Engagement:
And the Price in Sterling Money agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner:

And such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

LIX. In the event of any Dispute between the Manufacturer or his Agent and the Workman, such Ticket, and the said Duplicate thereof, shall be required to be produced, and shall, together or either of them, be Evidence of all Things mentioned therein or respecting the same. 8 & 9 Vict. c. 77. s. 2. 8 & 9 Vict. c. 128. s. 2.

LX. Where the Subject of Dispute relates to the alleged improper or imperfect Execution of any Work delivered to a Manufacturer or his Agent, such Piece of Work shall be produced in order to Adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed. 8 & 9 Vict. c. 77. s. 3. 8 & 9 Vict. c. 128. s. 3.

LXI. If any Manufacturer of Hosiery or his Agent shall neglect or refuse to deliver such Ticket to such Workman as aforesaid with the Materials so given out, and if such Workman shall complain thereof to any Justice of the Peace having Jurisdiction in the Place where the Materials shall have been delivered out or where the Workman shall reside, 8 & 9 Vict. c. 77. s. 4. There is no corresponding Section to this in the 8 & 9 Vict. c. 128.

reside, such Justice may summon such Manufacturer or Agent to attend before Two Justices at a Time or Place appointed for hearing the Complaint, and set forth in the Summons; and if the Person to whom such Summons so directed appears according to the Tenor thereof, or if he does not appear, and the due Service of the Summons is proved, the said Justices may proceed to hear and determine the Complaint; and if such Neglect or Refusal as aforesaid be proved, either by the Confession of the Party complained against, or by the Oath of the Complainant or of any other credible Witness or Witnesses, such Justices may convict such Offender, and may upon such Conviction adjudge him to pay such Penalty not exceeding Five Pounds, together with the Costs attending the Conviction, as such Justices shall think fit, and the Party so adjudged to pay such Penalty and Costs shall pay the same accordingly: Provided always, that in all Convictions of Adjudications under this Act One at least of the convicting or adjudicating Justices shall be a Person not engaged in any Manufacture, Trade, Occupation, or Employment to which this Act extends, and shall not be the Father, Son, or Brother of any such Person.

8 & 9 Vict. c. 77. s. 9. There is no similar Section as to Silk in 8 & 9 Vict. c. 128.

LXII. The Word "Manufacturer" in the First Section to Part VI. of this Act shall be understood to mean any Person furnishing the Materials of Work to be wrought into Hosiery Goods, to be sold or disposed of on his own Account, and the Word "Agent" to include any Person conveying or delivering the same to the Workman, and the Word "Workman" any Person actually employed in the Manufacture of the same.

LXIII. Part VI. of this Act shall apply to the United Kingdom of Great Britain and Ireland.

Part VII.

Arbitration of Differences between Masters and Workmen.

5 G. 4. c. 96. s. 2. 7 W. 4. and 1 Vict. c. 67. s. 1

LXIV. The following Subjects of Dispute arising between Masters and Workmen, or between Workmen and those employed by them, in any Trade or Manufacture in any Part of the United Kingdom of Great Britain and Ireland, may be settled and adjusted in manner hereafter mentioned; that is to say,

Disagreements respecting the Price to be paid for Work done, or in the course of being done whether such Disputes shall happen

happen or arise between them respecting the Payment of Wages agreed upon, or

The Hours of Work as agreed upon, or

Any Injury or Damage done or alleged to have been done to the Work, or

Respecting any Delay or supposed Delay in finishing the Work, or

The not finishing the Work in a good and workmanlike Manner, or

According to any Contract, or

To the Quality of Materials;

Cases where the Workmen are to be employed to work any new Pattern which shall require them to purchase any new Implements of Manufacture, or to make any Alteration upon the old Implements for the working thereof, and the Masters and Workmen cannot agree upon the Compensation to be made to such Workmen for or in respect thereof;

Disputes respecting the Length, Breadth, or Quality of Pieces of Goods, or,

In the Case of Cotton Manufa ture, the Yarn thereof, or

The Quantity and Quality of the Wool thereof;

Disputes respecting the Wages or Compensation to be paid for Pieces of Goods that are made of any great or extraordinary Length;

Disputes in the Cotton Manufacture respecting the Manufacture of Cravats, Shawls, Policat, Romal, and other Handkerchiefs, and the Number to be contained in One Piece of such Handkerchiefs;

Disputes arising out of, for, or touching the particular Trade or Manufacture, or Contracts relative thereto, which cannot be otherwise mutually adjusted and settled;

Disputes between Masters and Persons engaged in sizing or orna menting Goods;

But nothing in this Act contained shall authorize any Justice or Justices or Magistrates acting as herein-after mentioned to establish a Rate of Wages or Price of Labour or Workmanship at which the Workmen shall in future be paid, unless with the mutual Consent of both Master and Workman: Provided always, that all Complaints by any Workman as to bad Materials shall be made within Three Weeks of his receiving the same; and all Complaints arising from any other Cause shall be made within Fourteen Days after such Cause of Complaint shall arise.

LXV. Whenever such Subjects of Dispute shall arise as aforesaid, it shall be lawful for the Master and Workman, or either of them, to demand and have an Arbitration or Reference thereof in manner following; that is to say, where the Party complaining and the Party complained of shall come before or agree by any Writing under their 5 G. 4. c. 96. s. 3. 7 W. 4. and 1 Vict. c. 6. s. 2.

Hands to abide by the Determination of any Justice of the Peace or Magistrate of any County, Riding, Division, Stewartry, Barony, City, Burgh, Town, or Place within which the Party complained against resides, it shall and may be lawful for such Justice of the Peace or Magistrate to hear and finally determine, in a summary Manner, the Matter in dispute between such Parties; but if such Parties shall not come before or so agree to abide by the Determination of such Justice of the Peace or Magistrate, then it shall be lawful for any such Justice or Magistrate, and such Justice of the Peace or Magistrate is hereby required, on Complaint made before him, and Proof by the Examination of the Party making such Complaint, that Application has been made to the Person against whom such Cause of Complaint has arisen, or his Agent, [if such Dispute has arisen with such Agent] to settle such Dispute, and that the same has not been settled upon such Complaint being made, or where the Dispute relates to a bad Warp, that such Cause of Complaint has not been done away with within Forty-eight Hours after such Application, to summon before him such Person or Agent on some Day, not exceeding Three Days, exclusive of Sunday, after the making such Complaint, giving Notice to the Person making such Complaint of the Time and Place appointed in such Summons for the Attendance of such Person or Agent; and if at such Time and Place the Person so summoned shall not appear personally, or send some Person on his Behalf to settle such Dispute, or appearing shall not do away such Cause of Complaint, then and in such Case it shall be lawful for such Justice or Magistrate, and he is hereby required, at the Request of either of such Parties, to nominate Arbitrators or Referees for settling the Matters in dispute; and such Justice or Magistrate shall then and there at such Meeting propose not less than Four nor more than Six Persons, one Half of whom shall be Master Manufacturers, or Agents or Foremen of some Master Manufacturer, and the other Half of whom shall be Workmen in such Manufacture, such respective Persons residing in or near to the Place where such Disputes shall have arisen, out of which Master Manufacturers, Agents, or Foremen the Master engaged in such Dispute, or his Agent, shall choose One, and out of which Workmen so proposed the Workman or his Agent shall choose another, who shall have full Power to hear and finally determine such Dispute.

7 G. 4. c. 96. s. 4. 7 W. 4. and 1 Vict. c. 67. ss. 2, 3.

LXVI. In case any or either of the Persons so proposed by any such Justice or Magistrate shall refuse or delay to accept such Arbitration, or accepting shall not act therein, within Two Days after such Nomination, the Justice shall proceed to name another Person of the Description aforesaid, in the Room of the Person so refusing as aforesaid, to be Arbitrator in the Place of any such Arbitrator so refusing or delaying to accept, or who shall not act; and in every Case

Case of a Second Nomination the Arbitrators shall meet within Twenty-four Hours after the Application for the same, and at the same Place at which the Meeting of the Referees first named was appointed, or at some other convenient Place, as the Justice or Magistrate may appoint; and the Expense of every such Application for the Appointment of a Second Referee shall be borne and defrayed by the Party through whose Default, or the Default of whose Referee, such Application is rendered necessary; and the Justice or Magistrate making such Second Appointment shall certify the same in the Form for that Purpose hereafter set forth, or in some other Form to the like Effect; and in every Case where a Second Arbitrator shall be appointed as aforesaid, and such Second Arbitrator shall not attend at the same Time and Place appointed for settling the Matters in dispute, it shall be lawful for the other Arbitrator, at such Time and Place, to proceed by himself to the hearing and determining of the same Matters in dispute; and in such Case the Award of such sole Arbitrator shall be final and conclusive as to all Matters in dispute submitted to such Arbitrator, without being subject to Review, Appeal, or Suspension.

LXVII. The Arbitrators or Referees being so nominated as aforesaid, the said Justice or Magistrate shall thereupon appoint a Place of Meeting according to the Directions of Part VII. of this Act, and also a Day for the Meeting, Notice of which Nomination, and of the Day of Meeting, shall thereupon be given by such Justice or Magistrate to the Persons so nominated Arbitrators or Referees, and to any Party to any such Dispute, who may not have attended the Meeting before such Justice or Magistrate as aforesaid; which Appointment shall be by such Justice or Magistrate certified in the Form following, or in some other Form to the like Effect; that is to say, 5 G. 4. c. 96. s. 5. 7 W. 4. and 1 Vict. c. 67. ss. 2, 3.

'I *A.B.*, One of the Justices of the Peace (*or* One of the Magistrates)
' acting for , do hereby
' certify, That *C.D.* and *E.F.* are duly nominated Referees to settle
' the Matters in difference between *G.H.* of ,
' Master Manufacturer, [*or* Agent *or* Foreman, *as the Case may be*,]
' and *I.K.* of Weaver, [*or otherwise*
' *as the Case may be*,] pursuant to an Act passed in the
' Year of the Reign of Her present Majesty, "The Labour Act, 1854;"
' and that the said Referees are hereby directed to meet at
on the Day of at
' of the Clock in the Forenoon [*or* Afternoon, *as the Case may be*].

'I *A.B.*, One of the Justices of the Peace [*or* one of the Magis-
' trates] acting for do hereby certify, That the
' above-named *C.D.* and *E.F.* [*or* One of them, *as the Case may*
' *be*],

'*be*], having refused or delayed to act in the above-mentioned 'Reference, *L.M.* and *N.O.* [*or L.M. only, as the Case may be*] 'are [*or* is] by me duly nominated Referees [*or* Referee], together 'with the above-named *C.D.* [*or E.F.*] to settle the Matters in 'difference between the above-named *G.H.* and *I.K.*; and the said '*C.D.* or *E.F.* together with the said *L.M.* [*or* the said *L.M.* 'or *N.O.*, *as the Case may be*,] are directed to meet at the Place 'above mentioned, on the
'Day of in the Year of our Lord
'at of the Clock in the
'Forenoon [*or* Afternoon, *as the Case may be*]. *A.B.*'

And the Persons so appointed as aforesaid shall hear and examine the Parties and their Witnesses, and determine such Dispute within Two Days after such Nomination, exclusive of Sundays and the Determination of such Arbitrators shall be final and conclusive.

5 G. 4. c. 96. s. 6. 7 W. 4. and 1 Vict. c. 67. s. 3.

LXVIII. In all Cases where Complaints are made respecting bad Warps or Utensils by Workmen, the Place of Meeting of the Referees shall be at or as near as may be to the Place where the Work shall be carrying on, and in all other Cases at or as near as may be to the Place where the Work has been given out.

5 G. 4. c. 96. s. 7.

LXIX. If any Person so complaining as aforesaid shall not attend, or send some Person on his Behalf, at the Time and Place appointed by such Justice of the Peace or Magistrate, for the Purpose of naming such Persons as aforesaid, such Person shall not in such Case be entitled to the Benefit of Part VII. of this Act; and if any Person against whom any such Complaint shall have been made as aforesaid shall not attend, or send some Person on his Behalf, the Justice of the Peace or Magistrate shall thereupon nominate a Person for him out of such Persons so proposed as aforesaid.

5 G. 4. c. 96. s. 8.

LXX. The said Arbitrators and Referees shall meet at the Time and Place fixed by the Justice of the Peace or Magistrate by whom such Referees were appointed, and shall, by Inspection of the Work in regard to which the Dispute may have arisen, by hearing and examining the Parties, or any other Persons on their Behalf, or that attend to give Evidence respecting the Matters in dispute, upon Oath, (which the said Arbitrators and Referees are hereby empowered to administer,) or otherwise, or by otherwise ascertaining the true State of the Case, in such Manner as to such Arbitrators and Referees shall appear necessary, proceed to determine the Matter in dispute referred to them; and the Award to be made by such Arbitrators and Referees shall be final and conclusive between the Parties without being subject to Review or Challenge by any Court or Authority whatsoever.

LXXI. Any

LXXI. Any Arbitrator or Referee shall, at the Request in Writing of any of the Parties issue his Summons to any Witness to appear and give Evidence before such Arbitrator or Referee, at the Time and Place appointed for hearing and determining any such Dispute, and which Time and Place shall be specified in such Summons; and if any Person so summoned to appear as a Witness as aforesaid shall not appear before such Arbitrator or Referee, at the Time and Place specified in such Summons, or offer some reasonable Excuse for the Default, or, appearing according to such Summons, shall not submit to be examined as a Witness, and give his Evidence before such Arbitrator or Referee touching the Matter of such Dispute, then and in every such Case it shall be lawful for any One or more of Her Majesty's Justices of the Peace or a Magistrate acting in and for the County, Stewartry, Riding, Division, Barony, City, Burgh, Town, or Place where such Dispute shall have arisen, and they are hereby authorized, (Proof on Oath, in the Case of any Person not appearing according to such Summons, having been first made before such Justice or Magistrate of the due Service of such Summons on every such Person by delivering the same to him, or by leaving the same Twenty-four Hours before the Time appointed for such Person to appear before such Arbitrator or Referee, at the usual Place of Abode of such Person,) by Warrant under the Hands of any such Justice to commit any such Person so making Default in appearing, or appearing and refusing to give Evidence, to some Prison within the Jurisdiction of any such Justice, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months nor less than Seven Days, or until such Person shall submit himself to be examined, and give his Evidence before such Arbitrator or Referee as aforesaid: Provided always, that in case such Dispute shall be heard and determined before such Offender shall submit to be examined, and give Evidence as aforesaid, then and in every such Case, he shall be imprisoned the full Term of such Commitment. 5 G. 4. c. 96. s. 9.

LXXII. In case such Arbitrators and Referees so appointed cannot agree upon and decide such Matter in dispute so referred as aforesaid, or shall not make and sign their Award within Three Days after the Date of the Order of such Justice or Magistrate, certifying their Appointment, then the said Arbitrators and Referees shall, without Delay, go before the Justice or Magistrate by whom they were appointed, and, in case of his Absence or Indisposition, before any other of Her Majesty's Justices of the Peace or a Magistrate acting in and for the County, Stewartry, Riding, Division, Barony, City, Burgh, Town, Liberty, or Place, and residing nearest to the Place where the Meeting to settle such Dispute shall have taken place, and shall state to such Justice or Magistrate who may be present the 5 G. 4. c. 96. s. 10.

Points in difference between them the said Arbitrators and Referees, which Points in difference the said Justice or Magistrate shall hear and determine upon the Statement of the Arbitrators and Referees; and the said Justice or Magistrate is hereby directed and required to settle and determine the Matter in dispute with all possible Despatch, and in all Cases within the Space of Two Days after the Expiration of the Time hereby allowed to the Arbitrators and Referees to make and sign their Award; and the Determination of such Justice or Magistrate shall be final and conclusive between the Parties so differing as aforesaid, without being subject to Review or Challenge by any Court whatsoever.

5 G. 4. c. 96. s. 11. 7 W. 4. and 1 Vict. c. 67. s. 3.

LXXIII. If either Arbitrator or Referee shall neglect or refuse to go before such Justice of the Peace or Magistrate in the Manner herein directed, it shall and may be lawful for such Justice or Magistrate, after summoning the Arbitrators to attend him, to determine the Matter in dispute, upon the Statement and Representation of either of the Arbitrators who shall come before him.

5 G. 4. c. 96. s. 12. 7 W. 4. and 1 Vict. c. 67. s. 8.

LXXIV. No Justice of the Peace or Magistrate being also a Master Manufacturer or Agent, shall act as such Justice under Part VII. of this Act.

5 G. 4. c. 96. s. 13.

LXXV. In all such Cases of Dispute as aforesaid as in all other Cases, if the Parties mutually agree that the Matter in dispute shall be arbitrated and determined in a different Mode to the one hereby prescribed, such Agreement shall be valid, and the Award and Determination thereon final and conclusive between the Parties; and the same Proceedings of Distress, Sale, and Imprisonment, as hereafter mentioned, shall be had towards enforcing such Award (by Application to any Justice of the Peace or Magistrate for the County, Stewartry, Riding, Division, Barony, City, Town, Burgh, or Place within which the Parties shall reside,) as are by Part VII. of this Act prescribed for enforcing Awards made under and by virtue of its Provisions.

5 G. 4 c 96. s. 14. 7 W. 4. and 1 Vict. c. 67. s. 3.

LXXVI. Where any Work shall have been delivered to any Workman by the Agent or Servant of any Master, to be when finished delivered to such Agent or Servant, and also where two or more Persons shall carry on the Business of such Manufacture as Partners, in every such Case respectively the like Proceedings shall and may be had and made against such Agent, Servant, or any Partner, and shall be as effectual as if the same had been had and made against the Principal or all the Partners; and all the said Persons respectively shall obey the Award made thereupon, and all such Orders as shall be

be made by the said Justice or Magistrate in or respecting the Matters in dispute, and shall be subject to the same Proceedings and Consequences for refusing or delaying to abide by or perform the same as if the Proceedings had been had against the Principal, or against all the Partners.

LXXVII. It shall be lawful in all Cases for any Master or Workman by Writing under his Hand to authorise any Person to act for him in submitting to Arbitration and attending Arbitrators, Justices, or Magistrates touching the Matter of any Arbitration. 5 G. 4. c. 96. s. 15. 7 W. 4. and 1 Vict. c. 67. s. 3.

LXXVIII. In all Cases where any Proceedings may be had against a Master under this Act, or where such Proceedings shall have been commenced, and the Master shall become or be bankrupt, or any Assignment of his Estate or Effects shall have been made under the said Bankruptcy, or otherwise by Deed or in Law, the Factor or Trustee upon or the Assignee of such Estate or Effects shall be liable to the Proceedings authorized by this Act against the Master, as fully as the Master was before the Bankruptcy or Assignment; and such Proceedings may be commenced or carried on against such Factor, Trustee, or Assignee, who shall fulfil and abide by the Award made thereupon, and every such Order as shall be made by the said Justice or Magistrate in or respecting the Matters in dispute, and shall be subject to the same Proceedings and Consequences for wilfully refusing or delaying to abide by or perform the same as if the Proceedings had been had against the Master before his Bankruptcy, or the Assignment of his Estate or Effects; provided that all Sums of Money to be paid in pursuance of such Award or Order shall be recoverable only out of the Estate or Effects of such Master, and not out of the proper Money of such Factor, Trustee, or Assignee. 5 G. 4. c. 96. s. 16.

LXXIX. Where any married Woman or Infant under the Age of Twenty-one Years, shall have Cause of Complaint in any of the Cases provided for by Part VII. of this Act against any Master or his Agent or Servant, or Factor or Trustee, or Assignee as aforesaid, such Complaint may be lodged and all further Proceedings thereupon had by and in the Name of the Husband of such married Woman, and of the Father, or, if dead, of the Mother, or, upon the Death of both Parents, of any of the Kindred of any such Infant, or of the Surety in any Indenture of Apprenticeship of any such Infant, being an Apprentice, or of any Person nominated by such Infant, if he shall not have Parent, Kindred, or Surety; and all such Proceedings shall be as effectual, valid, and binding as if such married Woman were sole, and such Infant were of full Age, and pursued by themselves the Remedies provided by Part VII. of this Act. 5 G. 4. c. 96. s. 17.

5 G. 4. c. 96. s. 18.

The 8 & 9 Vict. c. 77. renders such Ticket compulsory in Hosiery Manufacture, and the 8 & 9 Vict c. 128. in Silk Manufacture, see ante Part VI.

LXXX. With every Piece of Work given out by the Manufacturer to a Workman to be done, there shall (if both Parties are agreed) be delivered a Note or Ticket in such Form as the said Parties shall mutually agree upon; and which said Note or Ticket, in the event of Dispute between the Manufacturer and the Workman, shall be Evidence of all Matters and Things mentioned therein or respecting the same: but nothing in this Section shall affect the Provisions in Part V. of this Act.

5 G. 4. c. 96. s. 19.
7 W. 4. and 1 Vict. c 67. s. 3.

LXXXI. A Duplicate of every such Note or Ticket shall be made and kept by the Master or Agent delivering the same, which Duplicate shall be Evidence of all the Matters and Things therein contained, in case the Workman shall not produce to the Arbitrators or the said Justice or Magistrate, as the Case may be, the said Note or Ticket so delivered to him with the said Work.

5 G. 4. c. 96. s. 20.

LXXXII. It shall not be allowable to any Manufacturer, who shall have received into his Possession any Article without Objection made within Twenty-four Hours, by himself or his Clerk or Foreman, afterwards to make any Complaint on account of Work so received.

5 G. 4. c. 96. s. 21.
7 W. 4. and 1 Vict. c. 67. s. 3.

LXXXIII. If the Parties by and between whom the said Reference shall take place as aforesaid shall think it expedient or be desirous to extend the Time hereby limited for the making the Award or Umpirage, it shall and may be lawful for them to extend the same accordingly, by Endorsement, according to the Form in the Schedule to Part VII. of this Act, on the Back of the Order of the Justice of the Peace or Magistrate, certifying the Appointment of the Referees, to be signed by both of them in the Presence of One or more credible Witness or Witnesses.

5 G. 4. c. 96. s. 22.

LXXXIV. The Award or Umpirage to be made upon any Reference demanded under Part VII. of this Act shall and may be drawn up and written at the Foot or upon the Back of the said Order, certifying the Appointment of the Referees, according to the Form in the Schedule to Part VII. of this Act.

5 G. 4. c. 96. s. 23.

LXXXV. Upon Fulfilment of the Award or Umpirage, the same shall be acknowledged by the Party in whose Behalf the same was made, by an Acknowledgment at the Foot of the said Award, in the Form of the Schedule to Part VII. of this Act, which, with the Award, shall thereupon be delivered to the Party fulfilling the same.

5 G. 4. c. 96. s. 24.
7 W. 4. and 1 Vict. c. 67. s. 3.

LXXXVI. If any Party shall refuse or delay to fulfil an Award under Part VII. of this Act for the Space or Term of Two Days after the

the same shall have been reduced into Writing, it shall be lawful for any such Justice or Magistrate as aforesaid, on the Application of the Party aggrieved, and he is hereby required by Warrant under his Hand according to the Form of the Schedule to Part VII. of this Act, or in some other Form to the like Effect, to cause the Sum of Money directed to be paid by any such Award to be levied by Distress and Sale of any Goods and Chattels of the Person liable to pay the same, together with all Costs and Charges attending such Distress and Sale, such Sale to take place within such Time not exceeding Five Days as the said Justice or Magistrate shall think proper, and the Overplus, if any, to arise by such Sale, to be rendered to the Owners of the Goods and Chattels distrained; and in case it shall appear by any Return to such Warrant that no sufficient Distress can be readily had, which Return may be in the Form contained in the said Schedule, or in some other Form to the like Effect, it shall be lawful for any such Justice or Magistrate as aforesaid, and he is hereby required by Warrant under his Hand according to the Form of the said Schedule, or in some other Form to the like Effect, to commit the Person so liable as aforesaid to the Common Gaol, or some House of Correction within his Jurisdiction, there to remain without Bail for any Time not exceeding Three Months.

LXXXVII. The said Justice or Magistrate, in all Cases where it shall appear to such Justice or Magistrate by whom the Warrant is to be issued that the Recovery of such Sum or Sums of Money by Distress and Sale of the Goods and Chattels of the Defaulter would be attended with Consequences ruinous or in an especial Manner injurious to the Defaulter and his Family, shall withhold such Warrant, and commit the Defaulter to the Common Gaol or some House of Correction within his Jurisdiction, there to remain without Bail for any Time not exceeding Three Months; such Commitment to be in the Form or to the Effect of the Form in the Schedule to Part VII. of this Act.

5 G. 4. c. 96. s. 25. 7 W. 4. and 1 Vict. c. 67. s. 3.

LXXXVIII. Where any Person shall be committed to Prison for refusing or delaying to fulfil an Award as aforesaid, and such Person shall, at any Time during the Period of his Imprisonment, pay to the Governor or Keeper of the Prison the full Amount of the Sum awarded, with all reasonable Expenses incurred through such Refusal or Delay, it shall be lawful for such Governor or Keeper of such Prison, and he is hereby required, forthwith to discharge such Person from his Custody.

5 G. 4. c. 96. s. 26.

LXXXIX. The Justice or Magistrate by whom any Person shall be committed to Prison for not appearing as a Witness, or not submitting to be examined, shall cause the Warrant or Order for such

5 G. 4. c. 96. s. 27.

Commitment to be drawn up in the Form or to the Effect set forth in the Schedule to Part VII. of this Act.

5 G. 4. c. 96. s. 28.

XC. No Appeal or Certiorari shall lie against any Proceedings under Part VII. of this Act.

5 G. 4. c. 96. s. 30. 7 W. 4. and 1 Vict. c. 17. s. 3.

XCI. The following and no higher Fees shall be allowed to be taken for any Proceeding under Part VII. of this Act; (that is to say,)

To the Clerk of the Justice or Magistrate:

For each Summons - - - -	Twopence.
For every Oath or Affirmation - -	Threepence.
For drawing and entering the Order -	Fourpence.
For every Warrant - - - -	Sixpence.

To the Constable or other Peace Officer:

For Service of Summons or Order - -	Fourpence.
For executing Warrant of Distress and Sale of Goods - - - -	One Shilling.
For Custody of Goods distrained, *per Diem*	Threepence.
For every Mile he shall travel - -	Threepence.
For every Caption - - - -	Sixpence.

And a Table of Fees, signed by the Clerk to such Justice or Magistrate shall be hung up in every Place where any General or Quarter Session, or Petty or other Sessions of the Peace, shall be held.

5 G. 4. c. 96. s. 31. 7 W. 4. and 1 Vict. c. 67. s. 3.

XCII. All Costs, Time, and Expenses attending the Application to Justices or Magistrates, to be made under Part VII. of this Act, and of the Arbitration pursuant thereon, shall be settled by the Arbitrator by whom such Dispute shall be settled; and where the same shall be determined by any Justice of the Peace or Magistrate, then the Costs, Time, and Expenses aforesaid shall be settled by such Justice or Magistrate; and where the Arbitrators appointed as aforesaid cannot agree as to the Costs, Time, and Expenses to be allowed, the same shall be settled by the Justice or Magistrate by whom the said Arbitrators were named, and, in case of his Absence or Indisposition, by any Justice of the Peace or Magistrate for the same County, Stewartry, Riding, Division, Barony, City, Burgh, Liberty, Town, or for the Place nearest to the Place, at which the Arbitrators met to settle the Dispute: Provided always, that no Master Manufacturer, his Foreman or Agent, shall in any Case be allowed for Costs, Time, or Expenses, by

by the said Justice or Magistrate, unless it shall appear to him that the Proceedings of the Workmen were vexatious and oppressive.

XCIII. Every Agreement, Submission, Award, Ticket, Matter, or Thing, under and by virtue of Part VII. of this Act, or relating to any other Mode of Arbitration as aforesaid, shall and may be drawn up and written upon unstamped Paper. 5 G. 4. c. 96. s. 32.

XCIV. Part VII. of this Act shall apply to the whole of the United Kingdom of Great Britain and Ireland.

Part VIII.

Combination; Proceedings for Suppression.

XCV. If any Person shall by Violence to the Person or Property, or by Threats or Intimidation, or by molesting or in any way obstructing another, force or endeavour to force any Journeyman Manufacturer, Workman, or other Person hired or employed in any Manufacture, Trade, or Business, to depart from his Hiring, Employment, or Work, or to return his Work before the same shall be finished, or prevent or endeavour to prevent any Journeyman, Manufacturer, Workman, or other Person not being hired or employed from hiring himself to, or from accepting Work or Employment from any Person; or if any Person shall use or employ Violence to the Person or Property of another, or Threats or Intimidation, or shall molest or in any way obstruct another for the Purpose of forcing or inducing such Person to belong to any Club or Association, or to contribute to any common Fund, or to pay any Fine or Penalty, or on account of his not belonging to any particular Club or Association, or not having contributed or having refused to contribute to any common Fund, or to pay any Fine or Penalty, or on account of his not having complied or of his refusing to comply with any Rules, Orders, Resolutions, or Regulations made to obtain an Advance or to reduce the Rate of Wages, or to lessen or alter the Hours of working, or to decrease or alter the Quantity of Work, or to regulate the Mode of carrying on any Manufacture, Trade, or Business, or the Management thereof; or if any Person shall by Violence to the Person or Property of another, or by Threats or Intimidation, or by molesting or in any way obstructing another, force or endeavour to force any Manufacturer or Person carrying on any Trade or Business, to make any Alteration in his Mode of regulating, managing, conducting, or carrying on such Manufacture, Trade, or Business, or to limit the Number of his Apprentices, or the Number or Description of his Journeymen, Workmen, or Servants; every Person so offending, or aiding, abetting, or assisting therein, being convicted thereof in Manner herein-after 6 G. 4. c. 129 s. 3.

herein-after mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to Hard Labour, for any Time not exceeding Three Months.

6 G. 4. c. 129. s. 4.

XCVI. Nothing in Part VIII. of this Act shall extend to subject any Persons to Punishment, who shall meet together for the sole Purpose of consulting upon and determining the Rate of Wages or Prices, which the Persons present at such Meeting or any of them, shall require or demand for his or their Work, or the Hours or Time for which he or they shall work in any Manufacture, Trade, or Business, or who shall enter into any Agreement, verbal or written, among themselves, for the Purpose of fixing the Rate of Wages or Prices which the Parties entering into such Agreement, or any of them, shall require or demand for his or their Work, or the Hours or Time for which he or they will work, in any Manufacture, Trade, or Business; and Persons so meeting for the Purposes aforesaid, or entering into any such Agreement as aforesaid, shall not be liable to any Prosecution or Penalty for so doing.

6 G. 4. c. 129. s. 5.

XCVII. Nothing in Part VIII. of this Act shall extend to subject any Persons to Punishment who shall meet together for the sole Purpose of consulting upon and determining the Rate of Wages or Prices which the Persons present at such Meeting, or any of them, shall pay to his or their Journeymen, Workmen, or Servants, for their Work, or the Hours or Time of working in any Manufacture, Trade, or Business, or who shall enter into any Agreement, verbal or written, among themselves, for the Purpose of fixing the Rate of Wages or Prices which the Parties entering into such Agreement, or any of them, shall pay to his or their Journeymen, Workmen, or Servants, for their Work, or the Hours or Time of working in any Manufacture, Trade, or Business; and Persons so meeting for the Purposes aforesaid, or entering into such Agreement as aforesaid, shall not be liable to any Prosecution or Penalty for so doing.

6 G. 4. c. 129. s. 6.

XCVIII. Every Person who shall offend against this Act, shall and may, equally with all other Persons, be called upon and compelled to give his Testimony and Evidence as a Witness on behalf of Her Majesty, or of the Prosecutor or Informer, upon any Information to be made or exhibited under Part VIII. of this Act, against any other Person not being such Witness as aforesaid; and in all such Cases every Person having given his Testimony or Evidence as aforesaid, shall be and is hereby indemnified against any Information to be laid, or Prosecution to be commenced against him, for having offended in the Matter wherein or relative to which he shall have given such Testimony or Evidence.

XCIX. On

XCIX. On Complaint and Information on Oath before any One or more Justice or Justices of the Peace, of any Offence having been committed against Part VIII. of this Act, within his or their respective Jurisdictions and within Six Months before such Complaint or Information shall be made, such Justice or Justices are hereby authorized and required to summon the Person charged with being an Offender against Part VIII. of this Act, to appear before any Two such Justices, at a certain Time and Place to be specified; and if any Person so summoned shall not appear according to such Summons, then such Justices, (Proof on Oath having been first made before them of the due Service of such Summons upon such Person, by delivering the same to him personally, or leaving the same at his usual Place of Abode, provided the same shall be so left Twenty-four Hours at the least before the Time which shall be appointed to attend the said Justices upon such Summons) shall make and issue their Warrant for apprehending the Person so summoned, and not appearing as aforesaid, and bringing him before such Justices; or it shall be lawful for such Justices, if they shall think fit, without issuing any previous Summons, and instead of issuing the same, upon such Complaint and Information as aforesaid, to make and issue their Warrant for apprehending the Person by such Information charged to have offended against Part VIII. of this Act, and bringing him before such Justices; and upon the Person complained against appearing upon such Summons, or being brought by virtue of such Warrant before such Justices, or upon Proof on Oath of such Person absconding, so that such Warrant cannot be executed, then such Justices shall and they are hereby authorized and required forthwith to make Inquiry touching the Matters complained of, and to examine into the same by the Oath or Oaths of any One or more credible Person or Persons as shall be requisite, and to hear and determine the Matter of every such Complaint; and upon Confession by the Party, or Proof by One or more credible Witness or Witnesses upon Oath, to convict or acquit the Party against whom Complaint shall have been made as aforesaid. 6 G. 4. c. 129. s. 7.

C. In Scotland all Prosecutions under Part VIII. of this Act may be insisted on at the Instance of the Public Prosecutor, and may be judged of either by Two Justices of the Peace, or by the Sheriff of the County within which the Offence may have been committed. 6 G. 4. c. 129. s. 11.

CI. If any Person convicted of any Offence punishable by Part VIII. of this Act shall think himself aggrieved by the Judgment of such Justices before whom he shall have been convicted, such Person shall have Liberty to appeal from any such Conviction to the next Court of General Sessions or General Quarter Sessions of the Peace which shall 6 G. 4. c. 129. s. 12.

be held for the County, Riding, Division, City, Liberty, Town, or Place wherein such Offence was committed; and the Execution of every Judgment so appealed from shall be suspended in case the Person so convicted shall immediately enter into Recognizances before such Justices, himself in the penal Sum of Ten Pounds, with Two sufficient Sureties in the penal Sum of Ten Pounds Sterling *each*, upon condition to prosecute such Appeal with Effect, and to be forthcoming to abide the Judgment and Determination of the said next Sessions or General Quarter Sessions, and to pay such Costs as the said Court shall award; and the Justices in the said next Court of General Sessions or General Quarter Sessions are hereby authorized and required to hear and determine the Matter of the said Appeal, and to award such Costs as shall appear to them just and reasonable, to be paid by either Party, which Decision shall be final; and if upon hearing the said Appeal the Judgment of the Justices before whom the Appellant shall have been convicted shall be affirmed, such Appellant shall immediately be committed by the said Court to the Common Gaol or House of Correction, without Bail or Mainprize, according to such Conviction, and for the Space of Time therein mentioned.

6 G. 4. c 129. s. 13.

CII. No Justice of the Peace, being also a Master in the particular Trade or Manufacture in or concerning which any Offence is charged to have been committed against Part VIII. of this Act, shall act as such Justice under Part VIII of this Act.

CIII. Part VIII. of this Act shall apply to the whole of the United Kingdom of Great Britain and Ireland.

PART IX.

Embezzlement and Frauds by Workmen; Summary Proceedings for Punishment of Offenders in certain Trades and Manufactures.

7 Jac. 1. c. 7.
14 Car. 2. c. 15. ss. 6., 7., 8.
20 Car. 2. c. 6. s. 3.
8 & 9 W. 3. c. 36. s. 6.
1 Anne, st. 2. c. 18.
9 Anne, c. 20.
9 G. 1. c. 27.
12 G. 1. c. 34.
13 G. 2. c. 8.
22 G. 2. c. 27.

CIV. Part IX. of this Act shall apply to Persons employed in the Trades, Manufactures and Occupations next enumerated, and which throughout Part IX. are called, "The said enumerated Trades," that is to say, in the Manufacture of Hats and Caps, Boots and Shoes, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and in any Manufactures made up of Wool, Fur, Hemp, Flax, Cotton, Mohair, or Silk, or of any of the said Materials mixed one with another or with any other Materials, or in any Branch of such Manufactures, and in every Trade, Occupation, Operation, or Employment whatsoever connected with

or

or incidental to the Manufacture of Stockings, Gloves, and other Articles of Hosiery, and Persons employed as Journeymen Dyers, and to Persons hired or employed by any Person practising the Trade of Clockmaking or Watchmaking, or any Part or Branch of such Trade, to make, finish, alter, repair, or clean any Clock, Watch, or Part of a Clock or Watch.

23 G. 2. c. 13. 27 G. 2. c. 7. 14 G. 3. cc. 25. 44. 15 G. 3. c. 14. 28 G. 3. c. 55. 6 & 7 Vict. c. 40.

CV. If any Person employed in any of the said enumerated Trades, intrusted with any Materials for the Purpose of being prepared, worked up, or manufactured, either by himself or by any Person to be employed by or under him, or by himself jointly with any Person to be employed with, by, or under him, or for any Purpose or Work connected with Manufacture or incidental thereto, or any Parts, Branches, or Processes thereof, or with any Tools or Apparatus for manufacturing the said Materials, or [in the Case of any Person hired or employed by a Person practising the Trade of Clockmaking or Watchmaking, or any Part or Branch thereof, to make, finish, alter, repair, or clean any Clock or Watch, or any Part of a Clock or Watch], intrusted with any Gold, Silver, or other Metal or Material, to be or that shall be in the whole or a Part wrought or manufactured for any Part of a Clock or Watch, or any Diamond or other precious Stone to be or that shall be set or fixed in or about any Clock or Watch, [or in the Case of a Person employed as a Journeyman Shoemaker] intrusted with any such Materials, or with any Boots, Shoes, Slippers, or Lasts, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same Materials, Tools, or Apparatus, or any Part thereof, or [in the Case of any such Person employed in Watchmaking or Clockmaking, or of any such Journeyman Shoemaker], any of the Articles or Chattels before mentioned, he shall, upon being thereof lawfully convicted by the Oath of the Owner of such Materials, Tools, or Apparatus, or any Part thereof, or of any such Articles or Chattels, or of any other credible Witness or Witnesses, before Two or more Justices of the Peace, forfeit the full Value of the same, and also forfeit such Penalty, not exceeding Ten Pounds, together with Costs, as to the said Justices shall seem meet; and every such Forfeiture and Penalty shall be applied, under the Direction of the convicting Justices, in manner following; (that is to say,) in the first place, in making such Satisfaction to the Party injured as the said Justices shall think proper; and the Remainder, if any, shall be applied in the same Manner as is herein-after directed for the Disposal of any other Penalty under Part IX. of this Act; and in default of Payment of such Forfeiture and Penalty, with Costs, immediately on Conviction or within such Period as the Justices so convicting may direct, the said Justices may issue their Warrant to distrain and sell the Goods and Chattels of the Person so convicted, for the Amount thereof, and Costs;

The Acts in the Margin opposite to Sec. 104. impose various Penalties, but with Differences so slight that I have felt justified in fixing One Penalty, which shall apply equally in all the enumerated Trades.

Costs; and the Proceeds of any Distress, after paying the Penalty Forfeiture, and Costs, and also the Costs of such Distress, shall be paid over to the Person convicted; but if no sufficient Distress shall appear or shall be found whereon to levy the said Penalty, Forfeiture, and Costs, the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, to be there imprisoned, with or without Hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Three Months, unless the Amount of such Forfeiture and Penalty, with Costs, or so much thereof as shall not have been paid previously to the Commencement of such Imprisonment, be sooner paid.

The Acts enumerated in the Margin opposite to Clause 104. and Sec. 3. of 6 & 7 Vict. c. 40.

CVI. If any Person employed in any of the said enumerated Trades, intrusted with any Materials for the Purpose of being prepared, worked up, or manufactured, either by himself or by any Person to be employed by or under him, or by himself jointly with any Person to be employed with, by, or under him, or for any Purpose or Work connected with Manufacture or incidental thereto, or any Parts, Branches, or Processes thereof, or with any Frames, Tools, or Apparatus for manufacturing the said Materials, shall neglect or delay to return the said Materials, Tools, or Apparatus, or any Part thereof, for the Space of Fourteen clear Days after being required so to do by the Party intrusting him therewith, or by some Person on his Behalf, by Notice in Writing to be served upon or left at the last or usual Place of Abode or Business of such Person (unless prevented by some reasonable and sufficient Cause, to be allowed by the Justices before whom he shall be brought), then and in every such Case all, or so much or so many of the said Materials, Tools, or Apparatus as shall not be returned to the Person so intrusting him therewith within the Time aforesaid shall be deemed to be embezzled by the Person so neglecting or delaying to return the same; and the Person so neglecting or delaying to return the same shall for every such Offence be liable to be proceeded against for Embezzlement, in the same Manner, and subject to the same Forfeiture and Penalty, with Costs, and to be applied in the same Manner, as are respectively herein-before prescribed and imposed in respect to Persons selling, pawning, purloining, embezzling, secreting, exchanging, or otherwise fraudulently disposing of the said Materials, Tools, or Apparatus.

The same Acts as those enumerated in the Margin opposite 104. and Sec. 4. of 6 & 7 Vict. c. 40.

CVII. Any Person who shall purchase or take in Pawn, or who in any other Way shall receive into his Premises or Possession, any Materials used in any of the said enumerated Trades, or any of the Articles or Chattels mentioned in Section 105., and whether the same or any Part of the

the said Materials be or be not wholly or partially wrought, made up, or manufactured into merchantable Wares, or any Tools or Apparatus for manufacturing the same, knowing that such Materials, Articles, or Chattels, Tools or Apparatus, are purloined or embezzled or fraudulently disposed of, or that the Person from whom he shall purchase, take in pawn, or receive the same is fraudulently or unlawfully disposing thereof, or knowing such Person to be employed or intrusted by any other Person either by himself or by or with others with the Materials, Articles, or Chattels so purchased, taken in pawn, or received for any other Person, and not having first obtained the Consent of the Person or Persons so employing or intrusting him therewith, shall, on Conviction by the Oath of the Owner or of any other credible Witness, be deemed and adjudged guilty of a Misdemeanor, and be punished in manner provided in Section 113.

The same Acts as those enumerated in the Margin opposite to Clause 104. and Sec. 5. of 6 & 7 Vict. c. 40.

CVIII. If any Person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such Materials, Articles, or Chattels, Tools or Apparatus, as aforesaid, knowing the same to have been so purloined or embezzled or received from Persons fraudulently disposing thereof as aforesaid, he shall, on Conviction by the Oath of the Owner of such Materials, Articles, or Chattels, Tools or Apparatus, or any Part thereof, or of any other credible Witness or Witnesses, be deemed and adjudged guilty of a Misdemeanor, and be punished in manner provided in Section 113.

The same Acts as those enumerated in the Margin opposite to Clause 104. and Sec. 6. of 6 & 7 Vict. c. 40.

CIX. On Proof on Oath that there is just Cause to suspect that any such Materials, Articles, or Chattels, Tools or Apparatus, as aforesaid have been fraudulently sold, pawned, pledged, purloined, or embezzled by the Person to whom the same were intrusted, or that any such Materials, Articles, or Chattels, Tools or Apparatus, have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise unlawfully disposed of, or offered for sale, pawn, pledge, exchange, or other Disposal, by any Person knowing the same to have been purloined or embezzled or received from some Person fraudulently disposing thereof, it shall and may be lawful for any One Justice of the Peace and such Justice is hereby required to issue his Warrant for apprehending any such Person, and bringing him before him or some other Justice of the Peace for Examination; and if upon such Examination the Charge of having fraudulently sold, pawned, purloined, embezzled, or otherwise fraudulently disposed of any such Materials, Articles, or Chattels, Tools or Apparatus, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or of having offered for sale, pawn, pledge, exchange, or other disposal, any such Materials,

Articles, or Chattels, Tools or Apparatus, knowing them to have been purloined or embezzled, or received from some Person fraudulently disposing thereof, shall be supported by Evidence to raise a strong Presumption of Guilt, such Justice shall commit such Person to the Common Gaol or House of Correction, in order that he may be brought forward for Trial at the next Petty Sessions, unless he enter into such Bail, with Two sufficient Sureties, as may be required for his Appearance before such Court on any Day to be fixed by such Justice.

The same Acts as those enumerated in the Margin of Clause 104. and Sec. 8. of 6 & 7 Vict. c. 40.

CX. Upon Proof on Oath before a Justice of the Peace that there is reasonable Cause to suspect that any Person has in his Possession or on his Premises, any such Materials, Articles, or Chattels, Tools or Apparatus, as aforesaid, which have been purloined, embezzled, or otherwise fraudulently disposed of, it shall be lawful for the said Justice and such Justice is hereby required to grant his Warrant to search the Dwelling House and Premises of such Person, and if any such Property shall be found therein to cause such Materials, Articles, or Chattels, Tools, or Apparatus, and the Person in whose Possession or on whose Premises the same shall be found, to be brought before him or some other Justice of the Peace, to be dealt with in the same Manner as any Person brought before a Justice under the Section next following.

6 & 7 Vict. c. 40. s. 9.

CXI. Every Peace Officer and Constable, and every Watchman duly appointed by Law, during such Time as he shall be on Duty, shall and may apprehend or cause to be apprehended, any Person whom he may reasonably suspect of having, or carrying, or in any way conveying, at any Time after Sun-setting and before Sun-rising, any such Materials, Articles, or Chattels, Tools or Apparatus, as aforesaid, suspected to be purloined, embezzled, or otherwise fraudulently disposed of, and shall lodge such Person, together with the Property, in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace so soon as convenient, who is hereby empowered to discharge such Person, or to order his Detention until the next Court of Petty Sessions, unless he enter into such Bail, with Two sufficient Sureties, as may be required for his Appearance before such Court on any Day to be fixed by the said Justice; and if the Person so apprehended in the Act of committing any such Offence as aforesaid, or of conveying any such Property as last aforesaid, shall not produce before the said Court the Person duly entitled to dispose of such Property from whom he bought or received the same, or shall not give an Account to the Satisfaction of the said Court that the Property is honestly come by, then the Person so apprehended shall be deemed and adjudged guilty of a Misdemeanor, and be punished in manner provided by Section CXIII. although no Proof shall be given as to whom such Property belongs to.

CXII. It

CXII. It shall be competent for the Party accused, in all Proceedings brought under Authority of Part IX. of this Act, to move for and obtain an Adjournment of the Time fixed for Trial for such a reasonable Time as may appear to the Court to be necessary for the Party accused to produce the Person duly entitled to sell or dispose of the said Property of whom he bought or received the same, or Evidence respecting the same; but the Party accused, and requesting such Adjournment, shall be detained in Custody or committed to Prison, unless he enter into such Bail, with Two sufficient Sureties, as shall be required for his Appearance before such Court at such Time and Place as shall be appointed. 6 & 7 Vict. c. 40. s. 11.

CXIII. Any Person who shall be deemed and adjudged guilty of a Misdemeanor, agreeably to any of the Provisions of Part IX. of this Act, shall, in addition to being deprived without Compensation of any such Materials, Articles, or Chattels, Tools and Apparatus, which have been purloined, embezzled, or otherwise fraudulently disposed of, and which shall have been found in his Possession, forfeit any Sum not exceeding Twenty Pounds for each Offence, together with Costs, upon being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, before Two or more Justices of the Peace; and every such Forfeiture shall be applied, under the Direction of the Justices so convicting, in manner following; (that is to say), in the first place, in making such Satisfaction to the Party injured as the said Justices shall think fit, and the Remainder, if any, shall be applied in the same Manner as Penalties not directed to be specially applied are applicable; and in default of Payment of such Forfeiture and Penalty, with Costs, immediately on Conviction, or within such Period as the Court shall direct, any Justice or Justices may issue his or their Warrant to distrain and sell the Goods and Chattels of the Person so convicted, for the Amount thereof, and Costs; and the Proceeds of any Distress, after paying the Forfeiture and Costs, and also the Costs of such Distress, shall be paid over to the Person convicted; but if no sufficient Distress shall appear or shall be found whereon to levy the said Forfeiture and Costs, any Justice or Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, to be imprisoned there, with or without Hard Labour as to the said Court shall seem meet, for any Term not exceeding Four Months, unless the Amount of such Forfeiture and Costs, or so much thereof as shall not have been paid previously to the Commencement of such Imprisonment, be sooner paid. 6 & 7 Vict. c. 40. s. 11. See Note to Clause CV.

CXIV. Where no Proof shall be given at the Time of Conviction of the Ownership of Property found in the Possession of a Person convicted 6 & 7 Vict. c. 40. s. 12.

under Part IX. of this Act, the Justices or Court shall cause the Property so found to be deposited in some safe Place for any Time not exceeding Thirty Days, and shall, if the Property be of sufficient Value to pay the Expenses thereof, order an Advertisement to be inserted in One or more of the public Newspapers of the Town or City where, or nearest the Place where, the same was found, and by fixing a Notice on some public Place describing such Property, and where the same may be inspected, or in case of the said Property not being of sufficient Value to pay the said Expenses, then by fixing such Notice as aforesaid only; and in case any Person shall prove his own or his Employer's Ownership or Property therein upon Oath to the Satisfaction of a Justice, Restitution of such Property shall be ordered to the Owner thereof after paying the reasonable Cost of removing, depositing, advertising, and giving Notice of the same; but if no Ownership be proved to such Property the Justice shall, at the Termination of Thirty Days, order such Property to be sold, and after deducting the Charges aforesaid, with the Charges of Sale, shall order the Residue to be applied, in the same Manner as Penalties not directed to be specially applied are applicable.

6 & 7 Vict. c. 40. s. 13.

CXV. It shall be lawful for the Owner of any such Materials, Articles, or Chattels as aforesaid, or any other Person duly authorized by him, or other the Person who shall have so intrusted such Materials, Articles, or Chattels, from Time to Time, as Occasion shall require, to demand Leave of Entrance and to enter at all reasonable Hours in the Daytime into the Shops or Outhouses of any Person employed, either by himself or by any other Person under him, upon any of the said Materials, Articles, or Chattels, or other Place where the Work shall be carried on, and there to inspect the State and Condition of such Materials, Articles, or Chattels; and in case of Refusal or Neglect by any such Person so employed to permit such Entrance or Inspection, such Person shall, for so refusing to permit such Entrance or Inspection, forfeit any Sum not exceeding Twenty Shillings, as the Justices before whom he shall appear or be brought shall think proper: Provided always, that nothing herein contained shall authorize any such Owner or other Person as aforesaid to inspect any Frame, Tools, or Apparatus wherewith such Materials are worked up, or which may be employed in working upon such Articles or Chattels, in case such Frame, Tools, or Apparatus comprise any new Invention or Improvement not disclosed to the Public.

6 & 7 Vict. c. 40. s. 14.

CXVI. If any Manufacturer, Agent, or any other Person in his Employment or Service, shall make Oath before a Justice of the Peace that any such Materials, Articles, or Chattels, Tools, or Apparatus, as aforesaid have been intrusted to any Person as aforesaid, and that he has absconded, or that the Deponent has just Cause to suspect and does

does suspect that such Person is about to abscond, it shall be lawful for such Justice and he is hereby required to issue his Warrant to apprehend such Person, and bring him before him or some other Justice of the Peace; and if such Person shall have absconded, or shall not forthwith give Security, to be approved of by the said Justice, for the Return in a finished State of all such Materials, or of such Articles or Chattels, so intrusted to him, within such Time as shall be then agreed on, such Justice shall by Warrant order any Constable, with his Assistants, to enter the House or other Premises of such Person, and take possession of all such Materials, Articles, or Chattels, Tools, or Apparatus so delivered to him as aforesaid, and to bring the same before the said Justice or any other Justice, when such Justice shall direct the same to be delivered to the Owner, or his Agent or Servant, or other Person duly authorized by him, and shall forthwith release the Person in Custody; but if all such Materials, Articles, or Chattels, Tools or Apparatus, shall not be found in the House or other Premises or the Possession of such Person, or shall not be produced before such Justice, such Person shall be deemed and taken to have purloined or embezzled such Materials, Tools, or Apparatus, or such Part thereof as shall not be found or produced, and shall be liable to any of the Punishments awarded for such Offence.

CXVII. If any Person shall receive any of the aforesaid Materials, Articles, or Chattels by virtue of his Employment or Service in a fictitious Name, every such Person so offending, and being convicted thereof on the Oath of One or more credible Witness or Witnesses before Two or more Justices, shall for every such Offence be liable to the Penalty of Two Pounds and Costs, and in default of Payment to Imprisonment with or without Hard Labour, as to such Justices shall seem meet, for any Term not exceeding Two Months, unless the said Penalty and Costs be sooner paid. 6 & 7 Vict. c. 40. s. 15.

CXVIII. In Cases where any Person shall have been committed for purloining, embezzling, or fraudulently disposing of all or any Part of such Materials, Articles, or Chattels, Tools or Apparatus, as aforesaid, which may have been intrusted to him, or shall have been convicted of any other Offence against any of the Provisions of Part IX. of this Act, it shall be lawful for the Justice who so committed such Person, or for any Justice or Court before whom he has been convicted for that or any other Offence against Part IX. of this Act, and he or they is or are hereby required, to issue his or their Warrant authorizing a Constable, with his Assistants, to enter the House and Premises of such Person, and take possession of all such Property so intrusted as shall be found therein, and to bring the same before 6 & 7 Vict. c. 40. s. 16.

before the said Justice or Court, when the said Justice or Court shall direct the same to be delivered to the Manufacturer, Agent, or Person duly authorized to receive the same.

17 G. 3. c. 56. s. 17. altered slightly as to the Punishment.

CXIX. If any Person hired, retained, or employed as a Journeyman Dyer, or as a Servant or Apprentice in the dyeing of any Felt or Hat, or any Woollen, Linen, Fustian, Cotton, Leather, Fur, Flax, Mohair, or Silk Materials, whether the same shall be wrought or unwrought, or shall be mixed or unmixed with other of the said Materials, shall, without the Consent of the Master or Person by whom such Journeyman, Servant, or Apprentice shall be hired, retained, or employed, wilfully dye any of the said Materials, or without such Consent shall wilfully receive any such Materials for the Purpose of dyeing the same, whether the same shall be dyed or prepared for dyeing, such Person on his being convicted of any of the said Offences before any Two or more Justices of the Peace for the County, Riding, Division, City, Liberty, Town, or Place where the Offence shall be committed, shall for every such Offence be liable to a Penalty of Two Pounds and Costs, and in default of Payment to Imprisonment with or without Hard Labour, as to such Justices shall seem meet, for any Time not exceeding Two Months, unless the said Penalty and Costs be sooner paid.

39 & 40. G. 3. c. 77. s. 4.

CXX. If any Person shall wall or stack, or cause to be walled or stacked any Coal, Ironstone, or Iron Ore in any false or fraudulent Manner, with an Intent to deceive his Employer, or if any Person shall take and remove any Ironstone or Iron Ore, with intent to defraud the Person who shall have raised the same, and shall be thereof convicted, either by the Confession of the Party offending, or upon the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the County wherein such Offence shall have been committed, it shall or may be lawful for such Justice or Justices to commit any such Person to the House of Correction or Common Goal for the same County, for any Time not exceeding Three Months.

39 & 40. G. 3. c. 77. s. 10.

CXXI. Any Person convicted under the Two last preceding Sections shall be entitled to Appeal to the next General or Quarter Sessions of the Peace, in the same Manner as is herein provided for Appeals against any other Proceedings under Part IX. of this Act.

CXXII. The Three last preceding Sections shall apply to Great Britain.

6 & 7 Vict. c. 40. s. 18.
This and the following Clause would, as it appears to me, be more appropriately

(*a*) *No Frame, Loom, or Machine, Materials, Tools, or Apparatus, which shall be intrusted for the Purpose of being used or worked in any of the said Manufactures, or any Work connected therewith or incidental*

incidental thereto, or any Parts, Branches, or Processes thereof, whether such Frame, Loom, or Machine, Materials, Tools, or Apparatus, shall or shall not be rented or taken by the Hire, shall at any Time or Times hereafter be distrained or seized, or be liable to be distrained or seized for Rent or for Debt, or under any Execution or other Proceedings whatever, unless the Rent be due or the Money be owing by the Owner of the said Frame, Loom, or Machine, or of the said Materials or Tools or Apparatus aforesaid, or of any Part thereof respectively.

placed in the Chapters or Acts which should regulate Distress for Rent and Execution, and they have been so treated by Mr. Brickdale, and inserted in his draft Digest of the Laws of Distress for Rent, printed in the First Report. I have, therefore, not numbered the Clauses, and have had them printed in Italics. Should they be removed from the present Bill, they might remain Part of 6 & 7 Vict. c. 40. until the Consolidation of the Acts regulating Distress for Rent and Execution; in which Case the Eighteenth and Nineteenth Sections of 6 & 7 Vict. c. 40. must be exempted from the Operation of the repealing Bill.

6 & 7 Vict. c. 40. s .9

(*b*) *If any Landlord or other Person, by virtue of any Distress Warrant, Execution, or other Proceedings for Rent in arrear, or Money due or alleged to be due by any Person whomsoever, shall distrain, seize, carry off, sell, or otherwise dispose of any Frame, Loom, or Machine, Materials, Tools, or Apparatus, belonging to any other Person, which shall have been intrusted for the Purpose of being used or worked in any of the said Manufactures, or any Work connected therewith or incidental thereto, or any Parts, Branches, or Processes thereof, and whether the same shall or shall not be rented or taken by the Hire, or shall distrain, seize, carry off, sell, or otherwise dispose of any Materials as aforesaid, or any Tools or Apparatus as aforesaid, belonging to any other Person, and shall refuse to restore Possession of all such Frames, Looms, Machines, Tools, or Apparatus to the Person owning, letting, or intrusting the same, when demanded by him, or some Person duly authorized by him, of the said Landlord or other Person, or the Person acting as Agent or Bailiff of such Landlord or other Person, it shall and may be lawful to and for any Justice of the Peace, upon Complaint on Oath before him, to summon the said Landlord or other Person to appear before any Two or more Justices of the Peace to answer the said Complaint, and on Proof of the said Offence the said Justices may thereupon order the Property so seized, distrained, carried off, or sold, to be forthwith restored, and issue their Warrant to a Constable or Constables empowering him or them to seize the said Property wherever the same shall be found, and deliver Possession thereof to the Person owning, letting, or intrusting the same, and to levy, by Distress and Sale of the Goods of the said Landlord or other Person, the Costs of obtaining the said Order, and recovering and obtaining Possession of the said Property; and in case the said Property cannot be found and seized within a Time not exceeding Twenty-one Days, to be limited in the said Warrant, or in case the said Property shall have been damaged by the same having been distrained, seized, carried off, or sold, then it shall be lawful for such Two Justices, or any other other Two Justices, on Proof thereof, (the said Landlord or other Person having been first summoned by a Justice,) to issue their Warrant to levy by Distress and Sale of the Goods and Chattels of such Landlord or other Person the full Value of the said*

Property, or the Amount of such Damage, as the Case may be, together with all Costs of recovering and levying the same.

6 & 7 Vict. c. 40. s. 20.

This Clause is in such general Terms that it would more properly form Part of a general Criminal Statute. If it were, however, confined to Looms, &c. let to Workpeople, it might well retain a Place in the present Bill

CXXIII. If any Person shall obliterate, efface, or alter the Owner's Name or Initials, or other distinguishing Mark, on any Frame, Loom, or Machine, or any Bar or Part thereof, or the Moulds thereof, without the Order or Authority of the Owner thereof, he shall, on Conviction thereof before Two Justices of the Peace, forfeit any such Sum not exceeding Two Pounds as such Two Justices shall order and direct, to be applied, in the first place, in paying the Costs of the Proceedings before such Justices, and the Surplus, if any, to the Party injured; and in default of Payment of such Forfeiture immediately on Conviction, or within such Period as the Justices so convicting shall direct, then the said Justices may, either immediately or at any Time after such Conviction, commit any Person so convicted to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, as to the said Justices shall seem meet, for any Term not exceeding Two Months, unless the Amount of such Forfeiture be sooner paid.

6 & 7 Vict. c. 40. s. 21.

CXXIV. And for the Discouragement of frivolous and vexatious Informations and Prosecutions under Part IX. of this Act, it shall be lawful for any Justices or Court of Petty Sessions before whom any Case under this Act is tried to award Costs to the Defendant, with an Allowance for his Loss of Time, in case of Acquittal, to be paid by the Prosecutor; and also, if it shall appear to such Justices or Court that the Charge was made from a malicious, vexatious, or frivolous Motive, or in case the Party shall be charged with Embezzlement of any Materials, by reason of any Deficiency in the Weight of the Materials which he shall have returned to the Person by whom they were intrusted to such Party, as compared with the Weight of the Materials received, and it shall be proved upon the hearing of the Case that such Materials were knowingly and fraudulently delivered to the Party charged whilst in a damp State, so that the apparent Weight thereof was thereby increased, it shall be lawful for such Justices or Court to award to the Defendant such further Sum of Money not exceeding Twenty Pounds as to such Justices or Court shall seem fit, to be paid by such Prosecutor as a Compensation for the Injury done; and in default of Payment such Costs and Allowances and Compensations may be levied by Distress and Sale of the Prosecutor's Goods.

6 & 7 Vict. c. 40. s. 25.

CXXV. In all Complaints, Warrants, Proceedings, or Prosecutions under Part IX. of this Act, any Justice or Justices of the Peace, and the Court of Petty Sessions for the County, City, Burgh, or Place where

where the Offence shall be committed or the Complaint arise, or where the Articles or Chattels, Materials, Frame, Loom, Machine, Tools, or Apparatus shall be given out or intrusted, lent or hired, or where the Manufacturer, Master, or Employer shall carry on his Trade or Business shall have full Power and Authority to act and to hear and determine such Complaint, Warrant, Proceeding, or Prosecution, and do all other Matters incident thereto: Provided that, in all Convictions and Adjudications under Part IX. of this Act, One of the Court of the convicting or adjudicating Justices shall be a Person not engaged in any Manufacture, Trade, Occupation, or Employment to which Part IX. of this Act extends, and shall not be Father, Son, or Brother of any such Person.

CXXVI. In all Cases of summary Conviction under Part IX. of this Act, where the Sum adjudged to be paid shall exceed Twenty Shillings, or the Imprisonment shall exceed One Month, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be held for the County, City, Borough, or Place where such Conviction shall have been made, (such Person, at the Time of such Conviction, giving to the Justices so convicting, or to the Justices so presiding at the Court of Petty Sessions at which such Conviction shall take place, Notice in Writing of his Intention to appeal, and also entering into a Recognizance at the Time of such Notice, with Two sufficient Sureties conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall by the Court be awarded,) and upon such Notice being given, and such Recognizance being entered into, the Justice or Justices before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order thereon, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Confirmation of the Conviction, the said Court shall order and adjudge the Offender to pay such Costs (if any) as shall be awarded, and shall, if necessary, issue Process for enforcing Payment of the same; and it shall be lawful for the said Court, on the Production of a Certificate *of the Decision of such Court on the said Appeal*, under the Hand of the Clerk of the Peace for the said County, City, Borough, or Place, or his Deputy, for any Justice or Justices of the Peace for such County, City, Borough, or Place, either immediately or at any Time thereafter, to issue a Warrant of Distress and Sale, or a Warrant for the Apprehension and Commitment of such Offender for such Period of Time as, together with the Days during which such Person so convicted shall have been imprisoned (if any) 6 & 7 Vict. c. 40. s. 29.

previously to being discharged by reason of such Appeal, shall amount to the same Period or Term of Imprisonment for which such Person was adjudged to be imprisoned at the Time of Conviction, or to issue a Warrant of Distress and Sale, and if there be no sufficient Distress a Warrant of Apprehension and Commitment as the Case may require, in like Manner in all respects as any Justice or Justices could or might have done in case no Notice of Appeal had been given.

CXXVII. Part IX. of this Act shall not affect the existing Law of Scotland or Ireland, except as provided in Section 122.

PART X.

CHIMNEY SWEEPERS; PENALTIES FOR EMPLOYING CHILDREN AND YOUNG PERSONS TO ASCEND OR DESCEND FLUES; AND PROHIBITION AGAINST APPRENTICING A CHILD UNDER SIXTEEN YEARS OF AGE TO THE TRADE.

3 & 4 Vict. c. 85. s. 2.

CXXVIII. Any Person who shall compel or knowingly allow any Child or young Person under the Age of Twenty-one Years to ascend or descend a Chimney, or enter a Flue, for the Purpose of sweeping, cleaning, or coring the same, or for extinguishing any Fire therein, shall be liable to a Penalty not more than Ten Pounds or less than Five Pounds.

3 & 4 Vict. c. 85. s. 3.

CXXIX. It shall not be lawful to apprentice to any Person using the Trade or Business of a Chimney Sweeper any Child under the Age of Sixteen Years, and every Indenture of such Apprenticeship which may be entered into shall be null and void.

3 & 4 Vict. c. 85. s. 7.

CXXX. All Convictions for Penalties for any Offence against Part X. of this Act may be had before Two or more Justices of the Peace acting for the County, Riding, City, Borough, Division, or Place where the Offence shall happen, or before the Sheriff or Stewart of any County or Stewartry in *Scotland;* and such Penalties, and the Costs and Charge atte ding t e Recovery ther of, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively by Warrant under the Hands and Seals of Two or more of the said Justices, or under the Hand of any such Sheriff or Stewart, rendering the Overplus of such Distress and Sale (if any) to the Party, after deducting the Charge of making the same, which Warrant such Justices, or Sheriffs, or Stewarts are

are hereby empowered and required to grant, upon Conviction of the Offender by Confession, or Oath of One or more credible Witness or Witnesses; and the Penalties, Costs, and Charges when so levied shall be paid, the One Half to the Informer, and the other Half to the Overseers or Managers of the Poor of the Parish, Township, or Place where the Offender shall dwell and inhabit, to be by such Overseers and Managers applied in aid of the Rate or Assessment raised for the Relief of the Poor of such Parish, Township, or Place, and in *Scotland*, in Parishes where there shall be no Assessment for the Relief of the Poor, as the said Managers shall direct, or to Her Majesty in case there shall be no such Overseer or Manager.

CXXXI. Any Person who shall think himself aggrieved by any Conviction by any Justice or Justices of the Peace under Part X. of this Act, may appeal to the next Court of General or Quarter Sessions of the Peace which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Stewartry, Riding, City, Borough, Division, or Place wherein the Cause of Complaint shall have arisen: Provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Session, and shall also either remain in Custody until the Session, or enter into a Recognizance, with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Session of the Peace, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Session shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or Affirmance of the Conviction shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and all Judgments, Determinations, and Proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Stewart, or Quarter Sessions, shall be final, and not subject to Review by any Process of Law or Court whatever. 3 & 4 Vict. c. 85. s. 11.

CXXXII. Part X. of this Act shall apply to the whole of the United Kingdom of Great Britain and Ireland.

Part XI.
MINES AND COLLIERIES.

Protection of Lives of Persons Employed in Coal Mines, and Prohibition against Employment of Women and Children in Mines.

13 & 14 Vict. c. 100. s. 1.

The Provisions in the First Eight Sections of this Part of the Bill are temporary, and expire on the 14th August 1856.

CXXXIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the London Gazette, and the Inspectors of Coal Mines appointed previously to this Act shall, during Her Majesty's Pleasure, be such Inspectors.

13 & 14 Vict. c. 100. s. 2.

CXXXIV. It shall be lawful for any such Inspector to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Coal Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry; and if such Inspector find any Part of such Coal Mine or Colliery, Works or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon summon before him the Manager or principal Colliery Viewer or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent shall not attend after reasonable Notice, or having attended shall fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he shall be of opinion that the said Colliery or Coal Mine is dangerous or defective on the Owner or Agent of such Mine, and shall also report the same to One of Her Majesty's Principal Secretaries of State.

CXXXV. The

CXXXV. The Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterworks, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery and the Works thereto belonging, clearly delineating such Matters and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, or on such other *larger* Scale as the Plan then used in the Colliery is constructed on, and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided that nothing herein contained shall be construed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

13 & 14 Vict. c. 100. s. 3.

The Word "larger" is not in Section III. of the existing Act, but I conclude that it only expresses what was intended by the Legislature.

CXXXVI. No Person who shall act or practise as a Land Agent, or as a Manager, Viewer, or Agent of, or be otherwise employed in, any Coal Mine or Colliery, shall act as an Inspector under Part XI. of this Act.

13 & 14 Vict. c. 100. s. 4.

CXXXVII. If and when Loss of Life to any Person employed in or about any Coal Mine or Colliery shall occur by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Coal Mine or Colliery shall, within Twenty-four Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in Scotland to the Lord Advocate, and shall specify in such Notice the probable Cause of such Accident, and which Notice may be sent through the Post Office by Letter addressed to such Secretary of State or Lord Advocate; and such Owner or

13 & 14 Vict. c. 100. s. 5.

Agent shall furnish such Information to such Secretary of State, or to the Lord Advocate in relation to such Accident as such Secretary of State or Lord Advocate may require; and every Owner or Agent who shall neglect to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than Ten Pounds and not exceeding Twenty Pounds.

13 & 14 Vict. c. 100. s. 6.

CXXXVIII. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, Two Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent Two Days at the least before holding such adjourned Inquest, through the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same.

13 & 14 Vict. c. 100. s. 7.

CXXXIX. Every Owner or Agent of any Coal Mine or Colliery who shall refuse or neglect to furnish to any Inspector appointed under Section CXXXIII. the Means necessary for making any Entry, Inspection, Examination, or Inquiry under Part XI. of this Act, and every Person who shall wilfully obstruct any such Inspector in the Execution of Part XI. of this Act, shall for every such Offence be liable to a Penalty of not less than Five Pounds and not exceeding Ten Pounds.

13 & 14 Vict. c. 100. s. 8.

The Act 13 & 14 Vict. c. 100. s. 8. does not provide for any Appeal from the Decision of the Justices. At the same time, the Act does not take away the Common Law Right of Certiorari.

CXL. That all Penalties imposed by any of the Provisions of the Sections 137 and 139 may be recovered in a summary Manner before Two Justices of the Peace, or in Scotland before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident as required by Part XI. of Act shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident as he may think fit; and, save as aforesaid, all such Penalties shall, when recovered in England, be paid to the Treasurer of the County, Riding, Division, or Place for which the Justices before whom the Penalty is recovered shall have acted, and where recovered in Scotland be paid to the Treasurer or Collector of the Funds for the Poor of the Parish in which the Offence has been committed, for the Benefit of the Poor of such Parish.

CXLI. The

CXLI. The last preceding Eight Sections of this Act shall not extend to Ireland, and shall continue until the Fourteenth Day of August One thousand eight hundred and fifty-six. 13 & 14 Vict. c. 100. ss. 10. 12.

CXLII. It shall not be lawful for any Owner or Agent of any Mine or Colliery to employ any Female Person within any Mine or Colliery, or allow any Female Person whatsoever to work or be therein for the Purpose of working therein; and every Indenture of Apprenticeship, or other Contract or Engagement, whereby any Female Person whatsoever shall be bound to work, or be liable to be called on to work, within any Mine or Colliery, shall be absolutely void. 5 & 6 Vict. c. 99. s. 1.

CXLIII. It shall not be lawful for any Owner or Agent of any Mine or Colliery to employ any Male Person under the Age of Ten Years within any Mine or Colliery, or to permit any such Male Person to work or be therein for the Purpose of working therein. 5 & 6 Vict. c. 99. s. 2.

CXLIV. It shall be lawful for One of Her Majesty's Principal Secretaries of State, if and when he shall think fit, to appoint any proper Person or Persons to visit and inspect any Mine or Colliery; and it shall be lawful for every Person so authorized to enter and examine such Mine or Colliery, and the Works, Buildings, and Machinery belonging thereto, at all Times and Seasons, by Day or by Night, and to make Inquiry touching any Matter within the Provisions of the Two last preceding and the Six next following Sections; and the *Owners* of such Mines and Collieries, or their Agents, are hereby required to furnish the Means necessary for such Person or Persons so appointed to visit and inspect such Mines and Collieries, Works, Buildings, and Machinery; and every Person to be so appointed shall report his Proceedings in the Execution of Part XI. of this Act in such Manner as may be directed by the Secretary of State; and he shall in like Manner report the State and Condition of the Persons working in such Mine or Colliery, and whether or not the Provisions of the Two last preceding and the Six next following Sections are properly observed in such Mine or Colliery. 5 & 6 Vict. c. 99. s. 3.

Leaving out Word "*Occupier*." See Clause 151.

This Section it seems to be necessary to retain, as the Act 13 & 14 Vict. c. 100. which authorizes the Appointment of Inspectors only applies to *Coal* Mines, and the Act excludes Ireland from its Operation, and is temporary, whilst the 5 & 6 Vict. c. 99. applies to the United Kingdom and to Mines and Collieries of whatever Description.

CXLV. No Person shall take any Apprentice who shall be bound to work, or be liable to be called on to work, or be otherwise occupied, within a Mine or Colliery, who shall be under the Age of Ten Years, or for a longer Term of Apprenticeship than Eight Years, except as the Apprentice of a Mason, Joiner, Engine-wright, or other Mechanic whose Services may be required occasionally below as well as above Ground; and every Indenture of Apprenticeship whereby any Person 5 & 6 Vict. c. 99. s. 4.

shall be hereafter bound contrary to the Provisions of Part XI. of this Act shall be void.

5 & 6 Vict. c. 99. s. 5.

CXLVI. Every Person, Body, or Company offending against any of the Provisions in the Four last preceding Sections, shall forfeit a Sum not more than Ten Pounds nor less than Five Pounds for every Person employed or suffered to be in a Mine or Colliery, contrary to the Provisions of the said Four last preceding Sections, to be sued for and recovered as after mentioned.

5 & 6 Vict. c. 99. s. 6.

CXLVII. If it shall appear, on Inquiry before any Justices, under the Provisions of Sections 142, 143, 144, and 145, that any Person under the Age herein-before specified, has been employed in any Colliery on the Representation of the Parent or natural Guardian of such Person, that he was above the Age herein-before specified, and if it shall appear to such Justices that such Person was so employed under the bonâ fide Impression and Belief on the Part of the Employer that he was not under the Age so specified, it shall be lawful for such Justices, if they see fit, to remit the said Penalty as against the Party employing such Person, and to summon the Parent or natural Guardian of the Person employed to appear before them on a Day to be named for the Purpose, and on Conviction of such Parent or Guardian of having wilfully misrepresented the Age of the Person employed such Parent or Guardian shall forfeit a Sum not exceeding Ten Shillings.

5 & 6 Vict. c. 99. s. 7.

CXLVIII. Nothing herein-before contained shall prevent any Person whatever from being employed in or about any Mine or Colliery so as such Employment shall be carried on above Ground.

5 & 6 Vict. c. 99. s. 8.

CXLIX. Where there shall be any Entrance to a Mine or Colliery by means of a Vertical Shaft or Pit or Inclined Plane, or where there shall be any Communication within any Part of a Mine or Colliery to any other Part thereof by a Vertical Shaft or Pit or Inclined Plane, then it shall not be lawful for any Owner or Agent of any such Mine or Colliery to allow any Person or Persons, other than a Male of the Age of Fifteen Years and upwards, to have Charge of any Steam Engine or other Engine, Windlass, or Gin, (whether driven or worked by manual Labour or any other Power whatsoever,) or to have Charge of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle Persons are brought up or passed down any such Vertical Shaft or Pit or Inclined Plane; and any Person offending against the Provision last aforesaid shall for every such Offence forfeit

forfeit a Sum not exceeding Fifty Pounds nor less than Twenty Pounds, to be recovered as after mentioned.

CL. In the Case of a Windlass or Gin worked by a Horse or other Animal, the Person under whose Direction the Driver of the Animal used for such Windlass or Gin shall act shall be deemed and taken to be the Person having the Charge thereof. 5 & 6 Vict. c. 99. s. 9.

CLI. The Term "Owner" of a Mine or Colliery, when used in Part XI. of this Act, shall be taken to *include* the immediate Proprietor or Lessee or Occupier thereof, and all Persons working any Mine or Colliery, or any Part of any Mine or Colliery, or any Lode or Seam thereof, for their own Benefit, or as Sharers of the Profit, and also all Partners and Companies so working such Mine or Colliery or any Part thereof; and the Word "Agent" shall be taken to *include* any Contractor or any Person receiving a Salary, Wages, Payment, or Remuneration for any Description of Service or Work performed in a Mine or Colliery. 5 & 6 Vict. c. 99. s. 14 instead of "*mean.*" Instead of "*mean.*"

CLII. All Convictions for Penalties under any of the Provisions of the Ten last preceding Sections may be had before Two or more Justices of the Peace acting for the County, Riding, City, Borough, Division, or Place where the Offence shall happen, or before such Justices or the Sheriff of any County or Stewartry in Scotland within which the Offence may have been committed; and such Penalties, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more of the said Justices, or under the Hand of any such Sheriff, rendering the Overplus of such Distress and Sale (if any) to the Party or Parties, after deducting the Charge of making the same, which Warrants such Justices or Sheriffs are hereby empowered and required to grant upon Conviction of the Offender by Confession, or Oath of One or more credible Witness or Witnesses; and the Penalties, Costs, and Charges when so levied shall be paid, the One Half to the Informer, and the other Half to the Overseers or Managers of the Poor of the Parish, Township, or Place where the Offence shall have been committed, to be by such Overseers or Managers applied in aid of the Rate or Assessment raised for the Relief of the Poor of such Parish, Township, or Place, and in *Scotland*, in Parishes where there shall be Assessment for the Relief of the Poor, as the said Manager shall direct, or to Her Majesty, in case there shall be no such Overseer or Manager. 5 & 6 Vict. c. 99. s. 17.

CLIII. Any Person who shall think himself aggrieved by any Conviction by any Justices of the Peace under the last preceding 5 & 6 Vict. c. 99. s. 21.

Section, may appeal to the next Court of General or Quarter Sessions of the Peace which shall be holden not less than Fifteen Days after the Day of such Conviction, for the County, Stewartry, Riding, City, Borough, Division or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Seven Days after such Conviction, and Seven clear Days at the least before such Session and shall also either remain in Custody until the Session, or enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at such Session of the Peace, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the Recognizance shall be entered into shall liberate such Person, if in Custody; and the Court at such Session shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal or Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and all Judgments, Determinations, and Proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final, and not subject to Review by any Process of Law or Court whatever.

These latter Words are necessary to meet the Appeal which would otherwise lie in Scotland from the Sheriff to the Court of Session.

CLIV. The Twelve last preceding Sections shall apply to the whole of the United Kingdom of Great Britain and Ireland.

PART XII.

Factories: The Labour of Children, young Persons, and Women regulated; and Provisions for securing the Health and Safety of Persons employed.

7 & 8 Vict. c. 15. s. 73.
3 & 4 W. 4. c. 103. ss. 1. & 47.
9 & 10 Vict. c. 40,
with the Amendments following: —
"Agent" is limited to a Person having the Direction of the whole Factory; and some of the Processes in the Lace Manufacture are brought within the Operation of the Act.

CLV. In Part XII. of this Act, unless another Sense shall be plainly shown by the Context, or by some positive Enactment to the contrary, the Word "Child" shall be taken to mean a Child under the Age of Thirteen Years; and the Words "young Person" shall be taken to mean a Male Person of the Age of Thirteen Years, and under the Age of Eighteen Years; and the Word "Woman" shall be taken to mean a Female above the Age of Thirteen Years; and the Word "Parent" shall be taken to mean Parent, Guardian, or Person having the

the legal Custody of any such Child or young Person; and any Person who shall work in any Factory, whether for Wages or not, or as a Learner or otherwise, in any Kind of Work whatsoever, save in the Cases herein-after excepted, shall be deemed to be employed therein within the Meaning of Part XII. of this Act; and the Words "Inspector" and "Sub-Inspector" shall be taken to mean respectively an Inspector and a Sub-Inspector of Factories; and the Word "Agent" shall be taken to mean any Person having on behalf of the Occupier of any Factory the Care or Direction thereof; and the Words "Mill-gearing" shall be taken to comprehend every Shaft, whether upright, oblique, or horizontal, by which the Motion of the First moving Power is communicated for driving the Machinery; and the Words "Machine-gearing" shall be taken to comprehend every driving and gearing Wheel of any Machine; and the Word "Factory," shall be taken to mean all Buildings and Premises situated within any Part of the United Kingdom of Great Britain and Ireland wherein or within the Close or Curtilage of which Steam, Water, or any other mechanical Power shall be used to move or work any Machinery employed in preparing, manufacturing, or finishing, or in any Process incident or subsequent (excepting Printing as defined in Part XIII. of this Act) to the Manufacture of Cotton, Wool, Hair, Silk, Flax, Hemp, Jute or Tow, either separately or mixed together, or mixed with any other Material or of any Yarn or Thread, or Fabric made of the aforesaid Mate rials: and any Room situated within the outward Gate or Boundary of any Factory wherein Children, young Persons, or Women are employed in any Process incident or subsequent to the Manufacture carried on in the Factory shall be taken to be a Part of the Factory, although it may not contain any Machinery; but this Enactment shall not extend to any Part of such Factory used solely for the Purposes of a Dwelling House, nor to any Part used solely for the Manufacture of Goods made entirely of any other Material than those herein enumerated, nor to any Ropery, Ropewalk, or Ropework in which Machinery moved by Steam, Water, or other mechanical Power is not used for drawing or spinning the Fibres of Flax, Hemp, Jute, or Tow, but only for laying or twisting or other Process of preparing or finishing the Lines, Twines, Cords, or Ropes, and which has no internal Communication with any Buildings or Premises forming Part of a Mill or Factory within the Provisions of Part XII. of this Act, except such as is necessary for the Transmission of Power, any Factory or Part of a Factory used solely for the Manufacture of Hats, or of Paper, or solely for bleaching, dyeing, printing, or calendering, nor to any Factory or Part of a Factory for the Manufacture of Lace wherein the only Machinery used is that employed for the actual Fabrication of the Lace itself, nor to any Scutch

Mill; and the Enactments of Part XII. of this Act respecting the Hours of Labour shall not apply to any young Person when employed solely in packing Goods in any Warehouse or Part of a Factory not used for any manufacturing Process, or for any Labour incident or subsequent to any manufacturing Process; and the Provisions in Part XII. of this Act relating to young Persons shall not extend to any young Person, being a Mechanic, Artisan, or Labourer, working only in making and repairing the Machinery or any Part of the Factory.

3 & 4 W. 4. c. 103. s. 47.

CLVI. There shall be Four Inspectors of Factories, and the Four Inspectors appointed previous to the passing of this Act shall be, during Her Majesty's Pleasure, the Inspectors of Factories under this Act; and in every Case of Vacancy of the Office of Inspector, Her Majesty may appoint by Warrant under the Sign Manual, another fit Person to the vacant Office.

3 & 4 W. 4. c. 103. s. 17.

CLVII. One of Her Majesty's Principal Secretaries of State shall appoint a sufficient Number of other Persons to be Sub-Inspectors to assist in the Execution of Parts XII. and XIII. of this Act under the Direction of the Inspectors; and the Sub-Inspectors appointed and acting as such previous to the passing of this Act shall continue to be Sub-Inspectors during the Pleasure of One of Her Majesty's Principal Secretaries of State; and in every Case of Vacancy of the Office of Sub-Inspector, One of Her Majesty's Principal Secretaries of State may in like Manner appoint another fit Person to be Sub-Inspector.

CLVIII. No Inspector or Sub-Inspector shall be liable to serve upon any Jury, or to serve any Parochial or Municipal Office, so long as he shall continue to hold the Office of Inspector or Sub-Inspector.

7 & 8 Vict. c. 15. s. 4.

CLIX. The Law rendering Justices of the Peace more safe in the Execution of their Office, shall extend to protect the Inspectors and Sub-Inspectors in the Exercise of their Duties under this Act.

7 & 8 Vict. c. 15. s. 5.

CLX. A proper Office, to be called "The Office of the Factory Inspectors," shall be provided in London or Westminster for the Use of the Inspectors, and for the Preservation of the Factory Records, and all Documents relating to the several Proceedings under Parts XII. and XIII. of this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from Time to Time such Clerks and Servants as may be deemed necessary to carry on the Business of the

the said Office, and may at pleasure remove them or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the Salaries of the Clerks and Servants in fit Proportion according to the Duties they may have to perform.

CLXI. One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the Approval of any such Principal Secretary, from Time to Time may make Regulations for the Management of the said Office, and for regulating the Duties of the several Inspectors and Sub-Inspectors, and of the Clerks and Servants of the said Office, in the Execution of this Act, so that they be not contrary to the Provisions herein contained; and the Regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, Clerks, and Servants respectively. 7 & 8 Vict. c. 15. s. 6.

CLXII. Every Inspector and Sub-Inspector shall have Power to enter every Part of any Factory at any Time, by Day or by Night, when any Person shall be employed therein, and to enter by Day any Place which he shall have Reason to believe to be a Factory, and to enter any School in which Children employed in Factories are educated, and at all Times to take with him into any Factory the certifying Surgeon of the District herein-after mentioned, and any Constable or other Peace Officer *of any Jurisdiction* whom he may need, to assist him, and shall have Power to examine, either alone or in the Presence of any other Person, as he shall think fit, every Person whom he shall find in a Factory or in such a School, or whom he shall have Reason to believe to be or to have been employed in a Factory within Two Months next preceding the Time when he shall require him to be examined touching any Matter within the Provisions of Part XII. of this Act, and the Inspector or Sub-Inspector may, if he shall see fit, require such Person to make and sign a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have Power to examine the Registers, Certificates, Notices, and other Documents kept in pursuance of Part XII. of this Act; and every Person who shall refuse to be examined as aforesaid, or who shall refuse to sign his Name or affix his Mark to a Declaration of the Truth of the Matters respecting which he shall have been examined, or who shall in any Manner attempt to conceal or otherwise prevent any Child or other Person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the Admission of an Inspector or Sub-Inspector to any Part of a Factory, or School, or shall prevent an Inspector or Sub-Inspector from examining any Register, Certificate, Notice, or other Document kept 3 & 4 W. 4. c. 103. s. 17. 7 & 8 Vict. ss. 3-27.

The additional Power given by this Clause of obtaining the Assistance of a Peace Officer of *any Jurisdiction* is requisite, in order to obviate the Difficulty now frequently experienced of there being only One Constable in the Locality in which a Factory is situated, and that Constable being under the influence of the Mill Owner.

kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the Execution of the Powers intrusted to him.

3 & 4 W. 4. c. 103. s. 45.

CLXIII. Every Inspector shall report to One of Her Majesty's Principal Secretaries of State twice in every Year, and oftener if required, the State and Condition of the Factories, and of the Children, young Persons, and Women employed therein, and whether such Factories are or are not conducted according to the Directions of Part XII. of this Act and of the Laws of the Realm; and such Inspectors are hereby required, twice at least in every Year, to meet and confer together respecting their several Proceedings, Duties, and Powers under this Act, and at such Meeting to make their Proceedings, in administering the Provisions of this Act, as uniform as is expedient and practicable; and such Inspectors are hereby required to make and keep full Minutes of such Meetings.

7 & 8 Vict. c. 15. ss. 8-9. which virtually repeals s. 12. of 3 & 4 W. 4. c. 103.

But an Exemption of the Appointment from Stamp Duty is added, the Want of such Exemption having led to much Difficulty. The Power given by Section 13 of 7 Vict. c 15. to the Inspector to fix the Surgeon's Fees and Visits, if required by the Occupier of the Factory, is omitted, as it was never required to be exercised, but led to Misunderstanding; and this Omission of Sec. 13 renders Sec. 12 unnecessary.

CLXIV. Any Inspector shall have Power to appoint a sufficient Number of Persons practising Surgery or Medicine to be certifying Surgeons, for the Purpose of examining Persons who shall be brought before them to obtain the Surgical Certificates of Age required by Part XII. of this Act, and of giving the said Certificates, which shall be in the Form and according to the Directions contained in the Schedule to Part XII. of this Act, No. 1, and shall from Time to Time make Regulations for their Guidance, and shall in every such Appointment specify the Factories or District for which each Surgeon is appointed, and may from Time to Time annul any such Appointment, and in like Manner make another or others; but every Appointment of a certifying Surgeon, and every Order annulling such Appointment may be revoked by the Secretary of State, on Appeal made to him for either Purpose; and the Inspector of the District shall make known the Name of the certifying Surgeons so from Time to Time appointed or discontinued to the Occupiers of the Factories in that District in such Manner as to him shall seem fit; but no Surgeon, being the Occupier of a Factory, or having a beneficial Interest in any Factory, shall be a certifying Surgeon: *And no Appointment of a certifying Surgeon shall be liable to Stamp Duty.*

7 & 8 Vict. c. 15. s. 10.

CLXV. No such Surgical Certificate given by any Person who is not an appointed certifying Surgeon shall be of any Force, unless it is given by a Person duly authorized by an University or College, or other public Body having Authority in that Behalf, to practise Surgery or Medicine, and countersigned, according to the Form and Directions given in the Schedule to Part XII. of this Act, No. 1, by some Justice of the Peace, not being the Occupier of a Factory, and not being the Father,

Father, Son, or Brother of the Occupier of a Factory; and no Person shall countersign any such Surgical Certificate in the Absence of the Person named therein, or without Proof that the Person brought before him is the same to whom the Certificate was granted.

CLXVI. No Person shall grant any Surgical Certificate required by Part XII. of this Act, except upon personal Inspection of the Person named therein; and no Surgeon shall examine any Person for the Purposes of Part XII. of this Act, or sign or issue any such Surgical Certificate, elsewhere than at the Factory where such Person is to be employed, unless for special Cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a Certificate of Age for any Person presented to him for such Examination, he shall give, when required, instead of such Certificate, a Paper specifying under his Hand the Reasons for such Refusal, in the Form and Directions given in the Schedule to Part XII. of this Act, No. 1; and the certifying Surgeon, as often as he shall visit a Factory for the Purpose of granting Certificates, shall enter in the Register herein-after directed to be kept the Date of his Visit, and the other Particulars set forth in the Form and according to the Directions given in the Schedule to *Part XII.* of this Act, No. 2. 7 & 8 Vict. c. 15. ss. 11-16.

CLXVII. Every Inspector and Sub-Inspector may annul any Surgical Certificate granted under Part XII. of this Act, and any Surgical Certificate granted before the passing of this Act, by writing across the Surgical Certificate the Word "Annulled," with his Name, and the Date of annulling such Certificate; provided that he shall believe the real Age of the Person mentioned therein to be less than that mentioned in the Certificate, or provided such Person be then of deficient Health or Strength, or by Disease or bodily Infirmity incapacitated for Labour, or liable to be injured by continued Employment; and no Certificate so annulled shall be valid in respect of the Person named therein for the Purposes of Part XII. of this Act from the Day when the Certificate shall have been so annulled; and the Production of the Certificate shall be Evidence that the Certificate was annulled on the Day so stated. 7 & 8 Vict. c. 15. s. 14.

CLXVIII. In case any Person shall be desirous of proving the real Age of any Person for whom a Surgeon shall have refused to grant a Certificate of Age for the Purposes of Part XII. of this Act, or whose Surgical Certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on Demand, give to such Person a Requisition under his Hand, in a Form to be approved of by the Inspectors and by the Registrar General, for the Production of a duly certified Copy of the Entry of the Birth or Baptism of such Person; and every Party to whom such Requisition shall have been given 7 & 8 Vict. c. 15. s. 15.

The Requisition to state the Parentage and Place of Birth being omitted, the certified Copy of the Entry of the Birth or Baptism is also required to be

kept in the Factory, and not in the Hands of the Inspector.

shall be entitled, upon Payment of One Shilling, to receive, from any Minister, Registrar, or other Person having the Care of any Register of Births or Baptisms in which the Birth or Baptism of such Person is entered, a duly certified Copy of the Entry in such Register, which shall be indorsed on the aforesaid Requisition, and shall be signed by the Minister, Registrar, or other Person having Charge of such Register; and such Payment of One Shilling shall be instead of all other Fees or Payments to which such Minister, Registrar, or other Person shall be entitled; and if the said certified Copy shall prove the Age of the Person named therein to be such as to entitle him to have the Surgical Certificate required, and the said certified Copy shall not have been altered or falsified in any Manner, the certifying Surgeon shall thereupon, without further Fee or Reward, give a Surgical Certificate in the Form provided for that Case in the Schedule to Part XII. of this Act, No. 1, and the said certified Copy of the Entry of the Birth or Baptism shall be retained in the Factory as long as the Person named therein is employed in that Factory; and if an Inspector shall require a certified Copy of the Entry of the Birth of any Person employed in any Factory from the Office of the Registrar General, he, or any Person deputed by him, shall, on producing a Requisition in the Form herein-before provided, be entitled to examine the Indexes to the Registers in the General Register Office, and to receive such certified Copy indorsed on the Requisition without the Payment of any Fee; but no certified Copy of the Entry of any Birth or Baptism issued in consequence of such Requisition herein-before provided shall be admissible in Evidence in any Court or for any Purpose, save for the Purposes of this Act: Provided always, that in those Cases in which a Surgical Certificate shall have been refused or annulled in consequence of deficient Health or Strength, or by reason of Disease or bodily Infirmity, such Person shall not be employed on Proof of real Age only.

7 & 8 Vict. c. 15. s. 16. The Words in Italics have have been introduced instead of the Words "under this Act." See Clauses 215. and 216.

CLXIX. Before employing any Person *under Sixteen Years of Age* the Occupier of the Factory shall obtain a Surgical Certificate for such Person according to the Forms and Directions given in the Schedule to Part XII. of this Act, Number 1., and shall keep such Certificate so long as the Person named therein shall be employed in the Factory; and no Surgical Certificate shall be valid except for Empmloyent at the Factory for which it was originally granted, or, if granted by a certifying Surgeon, at any other Factory in the Occupation of the same Person who is Occupier of the Factory for which the Certificate was originally granted, provided such other Factory be in the District of the certifying Surgeon who granted the Certificate, and the Certificate be in the Factory where the Person named in the Certificate is at work.

CLXX No

CLXX. No Occupier of any Factory shall be liable to any Penalty for employing any Person without a Surgical Certificate, for any Time not exceeding Seven working Days: Provided the Name of such Person shall have been entered in the Register as herein-after required, and that all Surgical Certificates for that Factory be granted only by the certifying Surgeon appointed for that Factory; but this Enactment shall not be construed to authorize the Employment of any Person in respect of whom the certifying Surgeon shall have refused to grant such Surgical Certificate.

7 & 8 Vict. c. 15. s. 17.

The Period is here limited to Seven Days, the Extension to Thirteen Days in certain Cases, as provided by 7 Vict. c. 15. s. 17. having been found open to Abuse.

CLXXI. Every Person, on beginning to occupy a Factory, shall within One Month send to the Sub-Inspector of the District a written Notice, containing the Name of the Factory, the Place where it is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, the Nature and Amount of the moving Power, and the Name of the Firm under which the Business of the Factory is to be carried on.

7 & 8 Vict. c. 15. s. 7.

CLXXII. An Abstract of such Parts of Part XII. of this Act as shall be directed by One of Her Majesty's Principal Secretaries of State shall be fixed on a moveable Board, and be hung up in the Entrance of every Factory, and in such other Places as the Inspector or Sub-Inspector of the District may direct; and Notices written or printed in legible Characters and fixed on moveable Boards, of the Names and Addresses of the Inspector, Sub-Inspector, and of the Certifying Surgeon of the District in which the Factory is situated, of the Clock by which the Hours of Work in the Factory and of the Times allowed for Meals are regulated, and of the Times of the Day and Amount of Time allowed for the several Meals, shall be hung up in the Entrance of the Factory, where they may be easily read by the Persons employed in the Factory, and in such other Places as the Inspector or Sub-Inspector of the District may direct, and whence they shall not be removed while the Factory is at Work; and every Notice required to be hung up shall be in the Form and according to the Directions given in the Schedule to Part XII., Number 3, hereunto annexed, and shall be signed by the Occupier of the Factory.

7 & 8 Vict. c. 15. s. 28.
3 & 4 W. 4. c. 103. s. 27.

The additional Requisite of the Signature of the Occupier of the Factory to the Notices has been deemed reasonable, as the Matters stated in the Notices must be within the Knowledge of the Occupier of the Factory, and will render the Notices more complete.

CLXXIII. Registers shall be kept in the Factory to which they relate, by the Occupier of every Factory, according to the Forms and Directions given in the Schedule to Part XII. of this Act, Number 2; and every Inspector shall have Power to require such Occupier to send to him, in such Manner as may be directed in the Requisition, any Extracts from such Registers, and any other Information with relation to the Persons employed in the Factory, which may be requisite to facilitate the Performance of the Duties of such Inspector

7 & 8 Vict. c. 15. s. 27.

in any Inquiry made under the Authority of Part XII. of this Act; but no Information so sent by the Occupier of any Factory which is not contained in the Registers, Certificates, and other Documents required by Part XII. of this Act to be received or kept shall be admissible in Evidence in any Proceeding against him for the Recovery of any Penalty; and the Registers, Certificates, and other Documents required by Part XII. of this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same at any Time when the Factory is at work.

7 & 8 Vict. c. 15. s. 9.

CLXXIV. No Child, young Person, or Woman shall be employed in any Factory, whether as a Learner or otherwise, or whether for Wages or not, until his Name shall have been entered in the Register herein-before directed to be kept, together with the Date of the First Day of his Employment or Re-employment, in the Form and according to the Directions contained in the Schedule to Part XII. of this Act, Number 2.

7 & 8 Vict. c. 15. s. 29.
3 & 4 W. 4. c. 103. s. 11.

CLXXV. No Child under Eight Years of Age shall be employed in any Factory, nor shall any Child who shall have completed his Eighth Year be employed unless he shall have obtained a surgical Certificate in the Form and under the Regulations herein-after provided.

7 & 8 Vict. c. 15. s. 30.

The Words in Italics, in the Opinion of the Inspectors, would be found advantageous to the Children, and also to the Masters, as it would prevent a fresh Set of Children being brought out for an Hour only. Section 31 of 7 & 8 Vict. c. 15 it is proposed to omit, as it has been found to work injuriously.

CLXXVI. No Child shall be employed in the same or any other Factory, either for the Purpose of recovering lost Time or otherwise, both before Twelve of the Clock at Noon and after One of the Clock in the Afternoon of the same Day, *except on Saturday, when Children may be employed until Two of the Clock in the Afternoon.*

7 & 8 Vict. c. 15. s. 30; but without extending the Time 7 Hours in the Case of Silk Factories.

CLXXVII. No Child shall be employed in any Factory for more than Six Hours and a Half on any One Day (except Children employed in any Factory until Two of the Clock in the Afternoon of any Saturday), until he shall have obtained the surgical Certificate in the Form required by this Act of his having completed his Thirteenth Year of Age.

13 & 14 Vict. c. 54. s. 1., and 16 & 17 Vict. c. 104. s. 1.
3 & 4 W. 4. c. 103. ss. 1., 2., 8.

CLXXVIII. No Child, young Person, or Woman shall be employed in any Factory before Six of the Clock in the Morning or after Six of the Clock in the Evening of any Day (save as herein-after provided), and no Child, young Person, or Woman shall be employed in any Factory, either to recover lost Time or for any other

other Purpose, on any Saturday after Two of the Clock in the Afternoon.

CLXXIX. During all or Part of the Period between the Thirtieth Day of September of any Year, and the First Day of April of the following Year, Children, young Persons, and Women may be employed, except on Saturday, between the Hours of Seven of the Clock in the Morning and Seven of the Clock in the Evening, instead of the Hours herein-before limited, under the following Regulations and Conditions; (that is to say,) Notice signed by the Occupier of any Factory, or his Agent, of the Intention to employ Children, young Persons, and Women under this Provision, specifying the Period, not being less than One Month, during which they are to be so employed in such Factory, shall be sent One Week previously to the Inspector of the District, and a Notice, in the Form and according to the Directions contained in the Schedule to Part XII. of this Act, Number 3, shall be hung or fixed up, and during the Period specified in the Notice shall be kept fixed up in such Factory, and during the Period specified in such Notice, Children, young Persons, and Women may be employed in such Factory after Six of the Clock and not later than Seven of the Clock in the Evening of any Day, except Saturday; and during the Period specified in such Notice no Child, young Person, or Woman shall be employed in such Factory before Seven of the Clock in the Morning of any Day, except Saturday; and the Provisions herein-before contained shall, as to every Day, except Saturday, during the Period specified in such Notice, take effect as if Seven of the Clock in the Morning and Seven of the Clock in the Evening were throughout substituted for Six of the Clock in the Morning and Six of the Clock in the Evening respectively.

13 & 14 Vict. c. 54. ss. 2. 6. and 16 & 17 Vict. c. 104. s. 4. 13 & 14 Vict. c. 54. s. 6.

CLXXX. At least Eight Half-Holidays, shall be given to all Persons whose Hours of Labour are restricted by Part XII. of this Act in every Year, and each of such Half Holidays shall comprise not less than One Half of the Day, and during such Time no Child, young Person, or Woman shall be employed in the Factory; and that at least Four of such Half Holidays shall be given between the Fifteenth Day of March and the First Day of October in each Year; but no Cessation from Work shall be deemed a Half Holiday, unless Notice of such Half Holiday and of the Time of such Cessation from Work shall have been fixed up on the preceding Day in the Entrance of the Factory, and in any other Place that the Inspector or Sub-Inspector may direct, and which Notices shall be kept until the next Visit of the Inspector or Sub-Inspector; and that in addition to such Eight Half Days, no Child or young Person shall be allowed to work in any Factory on Christmas Day or Good Friday in England or

3 & 4 W. 4. c. 103. s. 9., and 7 & 8 Vict. c. 15. s. 37.

Ireland; and in Scotland no Child, young Person, or Woman shall be allowed to work on any Day the whole of which is set apart by the Church of Scotland for the Observance of the Sacramental Fast in the Parish in which the Factory is situated.

7 & 8 Vict. c 15. s. 36., and 13 & 14 Vict. c. 54. s. 3. & 8., and 3 & 4 W. 4. c. 103. s. 6. with an Amendment fixing the Hours for Meals.

CLXXXI. There shall be allowed in the Course of every Day not less than One and a Half Hours for Meals to every Person whose Hours of Labour are herein-before restricted, consisting of Two distinct Meal Times, neither of which shall be less than Thirty Minutes, having an Interval of at least Three Hours between each; and such Meal Times shall be taken between the Hours of Half-past Seven in the Morning and Four in the Afternoon of every Day; and during any Meal Time which shall form Part of the Hour and a Half allowed for Meals, no Child, young Person, or Woman shall be employed in any kind of Work whatever in any Factory, or shall be allowed to remain in any Room in any Factory in which any Machinery is in Motion, or any Machinery is then being cleaned; and all the Children, young Persons, and Women shall have the Times for Meals at the same Periods of the Day.

3 & 4 W. 4. c. 103. s. 3.; 7 & 8 Vict. c. 15. ss. 33-34; and 13 & 14 Vict. c. 54. s. 4. 16 & 17 Vict. c. 104. s. 3.

CLXXXII. In any Factory in which the Machinery is wholly moved by the Power of Water the Time which shall have been lost by Stoppages from Want of Water, or from too much Water, may be recovered in manner following, within Three Months next after the Stoppage; and in order to recover Time so lost any Child, young Person, or Woman may be employed One Hour in each Day after the Conclusion of the ordinary daily Labour of Children, young Persons and Women, except on Saturday, and except as in Section 176; but it shall not be lawful so to recover any lost Time until a Notice shall have been sent within Twenty-four Hours of such Loss of Time to the Sub-Inspector of the District in which the Factory is situated, stating the Intention so to recover Time that has been lost, specifying the Amount of Time lost, the Cause of Loss, and the Room where it was lost, nor unless a Notice according to the Form and Directions given in the Schedule to Part XII. of this Act, Number 3, shall have been previously fixed up in the Entrance of the Factory, and in such other Places as an Inspector or Sub-Inspector may direct; and such Notice shall be kept so fixed up during the whole Time while the lost Time is in course of being recovered; and such Notice shall be kept in a Book as directed in the said Schedule; nor shall lost Time be so recovered unless the Amount of Time recovered on any One Day shall be inserted in the last-mentioned Notice before Nine of the Clock in the Morning of the following Day: Provided always, that no Time shall be recovered after Seven of the Clock of the Evening of any Day, or in those Cases where the ordinary Hours of Work may lawfully conclude

conclude at Seven of the Clock in the Evening under the Conditions herein-before prescribed after the Hour of Eight of the Clock of the Evening of any Day.

CLXXXIII. The Hours of the Work and of Meal Times of Children, young Persons, and Women, shall be regulated in every Factory by the Clock of the nearest Railway Station, or by some public Clock as may be directed by an Inspector or Sub-Inspector, who may also from Time to Time substitute any Clock as aforesaid for the Clock previously selected.

7 & 8 Vict. c. 15. s. 26. somewhat modified by requiring a Clock to be fixed.

CLXXXIV. The Parent or Person having any direct Benefit from the Wages of any Child employed in a Factory shall cause such Child to attend some School on the Day after the first Employment of such Child, and thenceforth on each Day of every Week, except Saturday and Sunday, so long as the Name of the said Child shall continue on the Register herein-before directed to be kept, and save as herein-after excepted, whether the Factory be at work or not; so that on every One of the aforesaid Five Days of each Week such Child shall attend School during at least Three Hours after the Hour of Eight of the Clock in the Morning and before the Hour of Five of the Clock in the Evening: Provided always, that any Child attending School after One of the Clock in the Afternoon shall not be required to remain in School more than Two Hours and a Half on any one Day between the First Day of November and the last Day of February, and the Non-attendance of every such Child shall be excused on every Day on which such Child shall be certified by the Schoolmaster to have been prevented by Sickness or other unavoidable Cause from attending the School, and during any Holiday or Half Holiday authorized by Section 180 of this Act, or by Consent in Writing of the Inspector of the District in which the Factory is situated, or where the School-room is situated within the outer Boundary of the Factory at which such Child is employed, on every Day on which the School shall be closed in consequence of the said Factory ceasing to be at work during the whole Day.

7 & 8 Vict. c. 15. s. 38.

CLXXXV. The Occupier of every Factory in which a Child is employed shall on every Saturday obtain a Certificate from a Schoolmaster, according to the Form and Directions given in the Schedule to Part XII. of this Act, Number 4, that such Child has attended School as required by Part XII of this Act during the Week then ended; and such Occupier shall keep such Certificate for Twelve Months after the Date thereof, and shall, when required by the Inspector for the District, pay to the Schoolmaster of such Child, or to such other Person as the said Inspector may direct, towards the Expenses of

7 & 8 Vict. c. 15. s. 39. Saturdayis substituted for Monday as the better Day for receiving the School Certificate, as the Mill Owner will thus know whether the Child is legally qualified to be employed during the ensuing Week.

of educating such Child, such Sum as the Inspector may require, not exceeding Twopence per Week, and shall be entitled to deduct from the Wages payable to such Child any such Sum as he shall have been required to pay for such Expenses, not exceeding the Rate of One Twelfth Part of the weekly Wages of such Child.

Exemptions of Silk Factories.
7 & 8 Vict. c. 15. s. 72., 13 & 14 Vict. c. 54. s. 7., 3 & 4 W. 4. c. 103. s. 7.

CLXXXVI. Any Child who shall have completed the Age of Eleven Years, employed solely in the winding and throwing of raw Silk, and who shall have obtained the surgical Certificate required by Part XII. of this Act of his having completed his Eleventh Year, may be employed, without any Proof of having attended a School, in all respects as young Persons and Women may be employed under Part XII. of this Act.

CLXXXVII. If an Inspector, on his personal Examination, or on the Report of a Sub-Inspector, shall be of Opinion that any Schoolmaster who grants Certificates of the School Attendance of Children employed in a Factory is unfit to instruct Children, by reason of his not teaching them Reading, Writing, or Arithmetic, or of his not making use of Books and Materials necessary to teach Reading, Writing, and Arithmetic, or of his immoral Conduct, or of his Neglect to fill up and sign the Certificates of School Attendance required by Part XII. of this Act, the Inspector of the District may give or send a Notice of the Schoolmaster's unfitness to the Occupier of the Factory, setting forth the Grounds on which he deems such Schoolmaster to be unfit; and after the Date of such Notice, no Certificate of School Attendance granted by such Schoolmaster shall be valid for the Purposes of this Act; Provided the Inspector shall in the aforesaid Notice name some other School situated within Two Miles of the Factory: Provided also, that on appeal to any Secretary of State against such Decision of the Inspector, the Secretary of State may, if he think fit, rescind such Decision: Provided also, that every Inspector shall in his next Report to the Secretary of State give Instances in which he shall have so notified the unfitness of any Schoolmaster, together with the Reasons which he has in each Case assigned for so doing.

New Clause.

This Clause is considered necessary by the Inspectors, as the existing Provisions on the Subject only apply to the Efficiency of Schoolmasters, and not to the general Character of the School; which, though well calculated for Children attending through the whole Day, may be quite unsuited for Factory Children.

CLXXXVIII. If any Inspector shall be of opinion that any School attended by Children employed in any Factory is in any respect unfit for their Instruction, he may give Notice thereof in Writing to the Occupier of such Factory, and after the Date of such Notice no Certificate of Attendance at such School shall be valid for the Purposes of this Act, if the Inspector name in the same Notice some other School open to the Public, situated within Two Miles of the Factory: Provided always, that any Secretary of State

State may, if he think fit, on Appeal made to him, rescind such Decision of an Inspector, and that every Inspector shall in his next Report to the Secretary of State give the Instances in which he has given such Notice, together with the Reasons which he has in each Case assigned for so doing.

CLXXXIX. All the inside Walls, Ceilings, or Tops of Rooms, whether plastered or not, and all the Passages and Staircases of every Factory, which shall not have been painted with Oil once at least within Seven Years, shall be limewashed once at least within every successive Period of Fourteen Months, to date from the Period when last limewashed; and all the inside Walls and Ceilings or Tops of Rooms in which Children or young Persons are employed, and which are painted with Oil, shall be washed with hot Water and Soap once at least within every successive Period of Fourteen Months.

7 & 8 Vict. c. 15. s. 18., which virtually repeals or supersedes 3 & 4 W. 4. c. 103. s. 26

CXC. An Inspector may, upon personal Examination, or upon the Report of a Sub-Inspector, by Notice in Writing, to the Occupier of any Factory, direct the purifying and cleansing of Privies, Urinals, Drains and Cesspools, and the Removal of any Nuisance in the Factory, within a Period to be named in such Notice; and he may further require, by Notice in Writing to the Occupier of any Factory, that Means be provided for effectually ventilating any Part of a Factory, within a Period to be named in such Notice.

New Clause.

CXCI. From and after Six Months after the passing of this Act, there shall be in every Factory a sufficient Number of distinct Watercloset or Privies and Urinals for the separate Use of each Sex, and from and after the same Date no Watercloset, Privy, or Urinal shall communicate directly with any Room in any Factory wherein Children, young Persons, or Women are employed.

New Clause.

CXCII. No Person shall be employed in any Part of a Factory in which the wet-spinning of Flax, Hemp, Jute, or Tow is carried on, unless sufficient Means shall be employed and continued for protecting the Persons employed from being wetted, and, where hot Water is used, for preventing the Escape of Steam.

7 & 8 Vict. c. 15. s. 19.

CXCIII. No Person shall be allowed to clean or oil any Part of the Mill-gearing and Machine-gearing in a Factory while the same are in motion by the Action of the Steam Engine, Water-wheel, or other mechanical Power; and no Child, young Person, or Woman shall be employed between the fixed and traversing Part of any self-acting Machine while the same is in motion by the Action of the Steam Engine Water-wheel, or other mechanical Power.

7 & 8 Vict. c. 15 s. 20.

7 & 8 Vict. c. 15. s. 21. See Coe v. Platt, 2 L. M. & P., 488; S.C. 6. Exc. 752.

CXCIV. Every Fly-wheel directly connected with the Steam Engine or Water-wheel or other mechanical Power, whether in the Engine House or not, and every Part of a Steam Engine and Water-wheel, and every Hoist or Teagle, and every Opening thereto, and all Parts of the Mill-gearing *and of the Machine-gearing* in a Factory, shall be securely fenced; and every Wheel-race not otherwise secured shall be fenced close to the Edge of the Wheel-race; and the said Protection to each Part shall not be removed while the Parts required to be fenced are in motion by the Action of the Steam Engine, Water-wheel, or other mechanical Power.

New Clause

CXCV. Every Opening by which the Beater of every Blowing or Scutching Machine can be reached by the Hand shall be securely fenced, and that for this Purpose every Bonnet, Cap, Lid, or Door, by opening which the Beater can be reached by the Hand, shall be fastened by a Lock and Key, or by a Screw and Nut, and such Fastening shall not be loosed or removed until the Beater has ceased to be in Motion by the Action of mechanical Power; and all self-acting Mules shall be securely fenced, and for this Purpose shall be provided with self-acting Scavengers or Rollers, or with some other mechanical Contrivance to clean, wipe, or fluke the Carriage Board and Beams beneath the Rollers, so as to do away with the Necessity of employing Children, young Persons, or Women to go between the fixed and traversing Parts of self-acting Mules for the said Purpose of cleaning, wiping, or fluking, while the self-acting Mule is in Motion; and every self-acting Machine not so provided with self-acting Scavengers or other mechanical Contrivance for the aforesaid Purpose shall not be deemed to be securely fenced.

7 & 8 Vict. c. 15. s. 43.

CXCVI. If an Inspector or Sub-Inspector shall observe in a Factory any Part of the Machinery of any Kind or Description, or any Wheel, Drum, Pulley, Driving Strap or Band, not securely fenced, which he shall deem likely to cause bodily Injury to any Person employed in such Factory, he shall give Notice in Writing to the Occupier of such Factory, or his Agent, according to the Form and Directions given in the Schedule to Part XII. of this Act, No. 4; and the Occupier of the Factory or his Agent shall sign a Duplicate Copy of such Notice in acknowledgment of his having received it, and return the same to the Inspector or Sub-Inspector: Provided always, that upon an Application in Writing made by the Occupier of the Factory, within Fourteen Days after he shall have received such Notice, Two Arbitrators skilled in the Construction of Factory Machinery shall be appointed, one of whom shall be named by the Occupier of the Factory in the aforesaid Application, and the other by the Inspector of the District, with the least possible Delay after he

he shall have received such Application; and the said Arbitrators shall proceed to examine the Machinery or Apparatus alleged to be dangerous within Fourteen Days of the Appointment of the Arbitrator named by the Inspector; and if the Arbitrators so appointed shall not agree in opinion the said Arbitrators shall choose a Third Arbitrator possessing a similar Knowledge of Machinery; and if the said Arbitrators, or any Two of them, shall sign an Opinion in Writing addressed to the Inspector of the District, that it is unnecessary or impossible to fence the Machinery or Apparatus alleged in the Notice to be dangerous, the Inspector of the District on Receipt of the same shall cancel the said Notice; and then the Expenses of such Reference shall be paid as other Expenses under Part XII. of this Act; but if the Decision of the Arbitrators shall be that it is necessary and possible to fence the said Machinery or Apparatus, then *the said Machinery or Apparatus shall be forthwith securely fenced, and* the Expenses of the Reference shall be paid by the Occupier of the Factory, and shall be recoverable as the Penalties under Part XII. of this Act are recoverable.

CXCVII. If any bodily Injury be caused to any Person by or from any Part of the Steam Engine, Water-wheel or other mechanical Power, of the Hoist or Teagle or opening thereto, of the Mill-gearing, of the Machine-gearing, or of any Machinery whatever, or of any Part thereof, the Occupier of the Factory where such Injury shall occur, or his Agent, shall, within Twenty-four Hours of such Injury, send a Notice thereof in Writing to the certifying Surgeon appointed for the Factory, in which Notice the Place of Residence of the Person injured, or the Place to which he may have been removed, shall be stated; and the certifying Surgeon shall send a Copy of such Notice to the Sub-Inspector of the District by the first Post after the Receipt thereof. 7 & 8 Vict. c. 15. s. 22.

CXCVIII. If a certifying Surgeon shall receive such Notice as provided by the last preceding Section, he shall within the next Twenty-four Hours, proceed to the said Factory, and make a full Investigation as to the Nature and Cause of such bodily Injury, and shall the same Day send to the Inspector of the District a Report thereof; and the certifying Surgeon, for the Purpose of such Investigations only, shall have the same Power, Authority, and Protection as an Inspector, and shall also have Power to enter any Room in any Building to which the injured Person may have been removed; and for such Investigation the said Surgeon shall receive a Fee not exceeding Ten Shillings, or such Part thereof, not being less than Three Shillings, as the Inspector of the District may consider a reasonable Remuneration to the Surgeon for his Trouble, 7 & 8 Vict. c. 15. s. 23.

Trouble, which Fee shall be paid as other Expenses incurred under Part XII. of this Act.

7 & 8 Vict. c. 15. s. 24.

CXCIX. One of Her Majesty's Principal Secretaries of State, on the Recommendation of an Inspector, may empower such Inspector to direct One or more Actions to be brought in the Name and on behalf of any Person who shall have received any bodily Injury from the Machinery of any Factory, for the Recovery of Damages for and on behalf of such Person *or of his Relations in case Death ensues from the Injuries.*

7 & 8 Vict. c. 15. s. 25.

CC. Any Damages which shall be recovered in any Action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the Person in whose Behalf they have been recovered, or shall be otherwise settled for the Use and Benefit of the said Person in such Manner as shall be approved of by the Secretary of State; and in case a Verdict shall be found for the Defendant, or Judgment shall be recovered against the Plaintiff, or the Plaintiff shall be nonsuited, the Defendant shall have the like Remedies for his Costs against the Inspector as he might have had against the Plaintiff; and all Charges and Expenses incurred in bringing any such Action, beyond what are recovered from the Defendant, and not otherwise provided for, shall be paid as other Expenses incurred under Part XII. of this Act are to be paid.

7 & 8 Vict. c. 15. s. 60.

CCI. If any Person whatever shall suffer any bodily Injury from any Part of the Machinery or Apparatus in the Factory not being securely fenced, which is required by Part XII. of this Act to be securely fenced, or from any Part of the Machinery, or any Wheel, Drum, Pulley, Driving Strap or Band in the Factory, of the dangerous State of which the Occupier shall have received Notice in Writing from an Inspector or Sub-Inspector as herein-before provided, and which shall not have been securely fenced, and which Notice shall not have been cancelled as herein-before provided, the Occupier of such Factory shall pay a Penalty not less than Ten Pounds, and not more than One hundred Pounds; and the whole or any Part of such Penalty may be applied for the Benefit of the injured Person; or in case of Death following the Accident, then for the Benefit of the Sufferer's Relations, as the Secretary of State shall determine; and so much of such Penalty as shall not be applied as aforesaid shall be applied as other Penalties under Part XII. of this Act: Provided also, that no Proceedings for such Penalty shall be a Bar to any Action for and on behalf of the injured Person or his Relations as herein-before provided.

CCII. The

CCII. The Occupier of any Factory in which any Offence against Part XII. of this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case (save as herein provided) be deemed in the first instance to have committed the Offence, and shall be liable to pay the Penalty; but any Occupier who shall have been proceeded against by any Inspector or Sub-Inspector for any Offence under Part XII. of this Act, *except for any of the Offences herein-after next enumerated, that is to say, neglect in not fencing securely such Parts of the Factory and such Machinery as are required to be securely fenced, neglect in not lime-washing and washing those Parts of the Factory required to be lime-washed and washed; neglect in not providing or altering any Water Closet, Privy, or Urinal, or in not purifying any Privy, Urinal, Drain, or Cesspool, or in not removing any Nuisance, or in not providing effectual Ventilation; Employment of any Child, Young Person, or Woman before or after the Hours herein-before limited as the Hours of commencing or concluding Work; or such Employment during any part of the Times fixed as the Times for Meals, for all which enumerated Offences the Occupier shall in all Cases be responsible,* shall be entitled, upon Complaint or Information duly made by such Occupier, before any Justice of the Peace or Magistrate, to summon his Agent as the actual Offender; and after the Commission of the Offence has been proved, the Occupier of the Factory shall be entitled to place such Agent as Defendant; and if the said Occupier shall then prove, by *Evidence upon Oath of other Persons, not being such Agent,* that he had used due Diligence to enforce the Execution of Part XII. of the Act, and that the said Agent had committed the Offence in question, without his Knowledge, Consent, or Connivance, the said Agent shall be convicted of such Offence, and shall pay the Penalty and Costs instead of the Occupier of the Factory, and the Payment of such Penalty and Costs shall be enforced against the Agent in like Manner as Penalties are made recoverable by Part XII. of this Act: Provided always, that when it shall be made to appear to the Satisfaction of the Inspector or Sub-Inspector, at the Time of discovering the Offence, that the Occupier of the Factory had used all due Diligence to enforce the Execution of Part XII. of this Act, and also by what Person such Offence had been committed, and also that it had been committed without the personal Consent, Connivance, or Knowledge of the Occupier, and in contravention of his Orders, then the Inspector or Sub-Inspector shall proceed against the Person whom he shall believe to be the actual Offender in the first instance, without first proceeding against the Occupier of the Factory.

3 & 4 W. 4. c. 103. s. 30.
7 & 8 Vict. c. 15. s. 41.
This Clause somewhat differ from the existing Sections. The Alterations introduced ar such as the Inspectors consid necessary to remove the facilit with which at present the Ma ters are enabled to cast off th Responsibility from themselv upon their Servants, who ar frequently unable to pay th Penalties. The Offences f which it is now proposed t make the Master in all Cas responsible are those which must be within their knowledg and which may be always prevented by their exercisin proper Vigilance.

7 Vict. c. 15. s. 4.

CCIII. All Complaints for Offences against Part XII. of this Act shall be preferred within Three Months next after the Commission of the Offence; and no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein-after named for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence.

7 & 8 Vict. c. 15. s. 45.

The words in italics are proposed to be added to prevent the escape from Punishment of Lodgers and married Women.

CCIV. All Complaints for the Enforcement of any Penalty under Part XII. of this Act, save as herein-after provided, shall be heard and determined by Two or more Justices of the Peace acting for the County or other Jurisdiction wherein the Offence was committed, or for any adjoining County or Jurisdiction, with the like Authority as though the Cause of Complaint has arisen within such adjoining County or Jurisdiction, provided that the Place of hearing the Complaint in such other County or Jurisdiction be not more than Five Miles from the Place where the Offence was committed; and the Justices by whom any Person shall be fined for any Offence against this Act may order that such Person shall pay the Penalty, and also the reasonable Costs and Charges of such Proceedings and Conviction, either immediately or within such Time as the said Justices shall think fit; and in default of Payment thereof any Justice may cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party convicted, together with the reasonable Costs and Charges of such Conviction, Distress and Sale, by Warrant under the Hand and Seal of any such Justice; and where the Warrant of Distress is directed against the Goods and Chattels of any Person being the Occupier of a Factory, it shall be lawful under such Warrant to distrain any Goods and Chattels found in the said Factory which would be liable to be distrained for Rent in arrear, *and in the event of the Party so convicted not having Goods and Chattels whereon a sufficient Distress can be levied, or in case the Party convicted shall be a married Woman and the Penalty and Costs shall not be paid by her Husband or by some Person on her behalf at the Time of her Conviction, the said Justices shall have Power to commit the Party so convicted to Prison, there to remain for any Period not less than nor more than determinable on the Payment of such Penalties and Costs.*

7 & 8 Vict. c. 1. s. 46.

CCV. In England and Ireland a Summons for an Offence against any of the Provisions of Part XII. of this Act shall be issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or upon Oath before him by any other Person, that to the best of the Knowledge and Belief of the Inspector, Sub-Inspector, or such other Person such an Offence has been committed; and in Scotland a Summons for an Offence against Part XII. this Act shall be issued

issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by any Person having a Title and Interest to prosecute with the Concurrence of the Procurator Fiscal, that to the best of the Knowledge and Belief of such Inspector, Sub-Inspector, Procurator Fiscal, or other Person such an Offence has been committed; and in every such Prosecution in Scotland the Proceedings shall be summary, and it shall not be necessary to take down in Writing more than the Substance of the Evidence; and no higher or other Fees shall be allowed in Scotland to the Clerk of Court or Constables than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in Causes and Prosecutions under the Authority of an Act passed in the Tenth Year of the Reign of King George the Fourth, c. 55.

Existing Acts.

CCVI. Notice in Writing of an Intention to prefer a Complaint that any Person had been employed in a Factory in which sufficient Means had not been employed or continued for protecting the Workers from being wetted, or for preventing the Escape of Steam into the Room occupied by the Workers, or that any Part of the Machinery, Hoist, or Teagle, or Wheelrace, has not been securely fenced, shall be given Four Days at least previous to the Day fixed for hearing the Complaint; and if the Party complained against intend to bring forward any Millwright or other Person skilled in the Construction of the aforesaid Machinery as a Witness at the hearing of the Case, he shall give Notice in Writing of such Intention to the Inspector or Sub-Inspector who shall be the Complainant Forty-eight Hours previous to the Day fixed for hearing the Case.

7 & 8 Vict. c. 15. s. 42.

CCVII. Every Person who shall be summoned to answer any Complaint shall be bound to appear at the Time and Place mentioned in the Summons, and to produce before the Justices then and there present every Register or other Certificate, Account, Paper, or Notice required by Law to be kept by him or his Agent, which shall be mentioned in the Summons; and if he shall not appear accordingly, then (upon Proof of due Service of the Summons) the Justices may either hear and determine the Case in his Absence, or issue their Warrant, as herein-after provided, for enforcing his Attendance, and the Attendance of any Witness who shall refuse or neglect to appear.

7. & 8 Vict. c. 15. s. 47.

CCVIII. It shall be no Objection to the Competency of any Inspector or Sub-Inspector to give Evidence as a Witness in any Prosecution under this Act that it is brought by or at the Instance of such Inspector or Sub-Inspector; *and it shall be competent to any such Inspector to address the Court in support of such Proceeding notwithstanding his acting as a Witness.*

7 & 8 Vict. c. 15. s. 48.

The first Part of this Clause may be unnecessary, but the latter Part may be useful.

Existing Acts.

7 & 8 Vict. c. 15 s. 49.

CCIX. Any Justice of the Peace, upon any Complaint under Part XII. of this Act, may summon any Witness to appear and give Evidence at a Time and Place appointed for hearing such Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before the Justices by whom the Complaint shall be heard, who shall neglect or refuse to appear at the Time and Place appointed in any Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and may commit any Person coming or brought before such Justices who shall refuse to give Evidence, to the County Prison or Prison of the Place where such Offence was committed, there to remain for any Time not exceeding One Month, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any Justice shall be a sufficient Warrant to any Gaoler or Prison Keeper for the Discharge of such Person.

7 & 8 Vict. c. 15. s. 51.

CCX. It shall be sufficient, in any Information, Complaint, or other Proceeding under Part XII. of this Act, to set forth the Name of the ostensible Occupier or Title of the Firm by which the Occupier employing the Workpeople of the Factory may be usually known; and the Service of any Summons, Order, or Notice required by Part XII. of this Act, or issued under the Authority of Part XII. of this Act, and not expressly directed to be personal Service, may be made by leaving the same at the Dwelling House of the Person to whom the same shall be addressed, or, in the Case of summoning or giving an Order or Notice to the Occupier of a Factory or to a Schoolmaster, by giving a Copy thereof in Writing to the Agent of such Occupier, or by sending a Copy thereof by the Post directed to the Occupier of the Factory at the Factory, or to the Schoolmaster at his School.

7 & 8 Vict. c. 15. s. 50.

CCXI. Every Inspector and Sub-Inspector shall be empowered to summon any Person whom he shall charge with having offended against Part XII. of this Act, and also all Witnesses who may be needed to give Evidence concerning the Charge; and every such Summons shall be the of the same Effect as if issued by a Justice of the Peace after Complaint upon Oath before him, and shall be enforced in like Manner, and the like Proceedings may be had thereupon as if Complaint upon Oath had been made before such Justice for such Offence; and every Constable and other Peace Officer to whom any such Summons shall be directed shall be bound to take Charge of and to serve such Summons, and in default thereof shall be liable to be punished as if the Summons had been issued by a Justice of the Peace; and every such Summons of an Offender or Witness may be in the Form provided in each Case, and given in the Schedule to Part XII. of this Act No. 4.; and when an Inspector or Sub-Inspector shall summon an Offender or Witnesses he

Existing Acts.

he shall send the said Summons to the Clerk of the Justices of the Peace acting for the Division in which the Case is to be heard Three Days at least before the Period named in the Summons for the Appearance of the Person charged with such Offence; and the said Clerk shall direct such Constable or other Peace Officer to serve the same upon the Persons named therein as he may deem fit.

CCXII. If any Person shall be in any Factory, except during the Stoppage of the whole Machinery of the Factory, or for the sole Purpose of bringing Tea or other Articles of Food to the Workers in a Factory (between the Hours of Four and Five of the Clock in the Afternoon,) it shall be Evidence that such Person was then employed in that Factory; but Yards, Play Grounds, and Places open to the public View, School Rooms, Waiting Rooms, and other Rooms belonging to the Factory, in which no Machinery is used or manufacturing Process carried on, shall not be taken to be any Part of the Factory, with reference to this Enactment.

7 & 8 Vict. c. 15. s. 52., 3 & 4 W. 4. c. 103. s. 24.

CCXIII. *In any Complaint of the Employment of any Child, young Person, or Woman, either before or after the Hours herein-before provided for the Commencement and Termination of daily Work, or during any Part of the Times which by the Notice then fixed up under the Provisions of Part XII. of this Act in any Factory are mentioned as the Times allowed for Meals, if the Fact of the Employment of any such Person is proved on the Oath of an Inspector or Sub-Inspector, it shall not be necessary to state or prove the Name of any such Person so caused or allowed to work or be employed as aforesaid; and the Fact of any such Person being within the outer Walls of such Factory either before or after the Hours herein-before provided for the Commencement and Termination of daily Work, or during any Part of the Times which by the Notice then fixed up under the Provisions of Part XII. of this Act, in such Factory are mentioned as the Times allowed for Meals, while the Steam Engine or Water-wheel or any Machinery in the Factory is in Motion, or while Work of any kind whatsoever is being carried on, shall be Evidence against the Occupier of such Factory that such Person was then at Work and employed by him therein in contravention of Part XII. of this Act.*

New Clause.

This Clause is proposed to obviate the difficulty complained of by the Inspectors of proving the Employment of the particular Child, young Person or Woman, although the Inspector has had the clearest Evidence of the Employment of some Children, young Persons or Women.

CCXIV. Every surgical Certificate which shall not have been annulled, shall be Evidence in the first instance of the Age of the Person named therein, but shall not protect any Person, knowing such Person to be of less than the Age certified, from any Penalty for employing or conniving at the Employment of such Person otherwise than is allowed by Part XII. of this Act; and in every Proceeding on any Information or Complaint for employing any Person contrary to Part XII. of this

7. & 8 Vict. c. 15. s. 53

Existing Acts.

Act, a Declaration in Writing by the Certifying Surgeon of the District that he has personally examined such Person, and believes him to be under such Age as shall be set forth in such Declaration, shall be Evidence, in the first instance, until the contrary shall be made to appear, that such Person is under the Age mentioned in such Declaration.

7 & 8 Vict. c. 15. s. 55.

See Clause 169 *ante*.

CCXV. If any Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person who is employed in a Factory without a surgical Certificate is less than Sixteen, the Occupier of the Factory in which such Person is employed shall be liable to the Penalties for employing without the proper surgical Certificate Persons for whom a surgical Certificate is required, unless, upon the Proceeding for the Enforcement of such Penalties, he shall prove, by an Extract from a legal Register of Birth or Baptism, that the said Person had completed his Sixteenth Year of Age before such Employment.

7 & 8 Vict. c. 15. s. 55.

CCXVI. If an Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Male Person employed in a Factory in a Manner contrary to Law is less than Eighteen, the Occupier of the Factory in which such Person is employed shall, save in the Cases herein-after excepted, be liable to the Penalty for employing such Person, unless upon the Proceeding for the Enforcement of such Penalties he shall prove that the said Person had completed his Eighteenth Year before such Employment.

7 & 8 Vict. c. 15. s. 56.

The Penalties under the existing Sections have been found quite inadequate, and are now proposed to be increased, and the unnecessary trouble and expense of separate Informations obviated.

CCXVII. Any Person who shall be convicted of having employed any Child, young Person, or Woman, either before or after the Hours herein-before specified as the Hours for commencing and concluding the daily Work, or during any Part of the Times which by the Notice then fixed up in such Factory in that Behalf are mentioned as the Times allowed for Meals, shall for every such Offence be adjudged to pay a Penalty of *not less than Five Pounds, nor more than Ten Pounds*, for each Person so illegally employed: *Provided that it shall not be necessary to have a separate Information for each Person illegally employed.*

7 & 8 Vict. c. 15. ss. 56. 57.

CCXVIII. Every Person who shall be convicted of having employed any Child, young Person, or Woman without having fulfilled the Conditions herein-before required in respect to such Person, in regard to Registers, Surgical Certificates, and Certificates of School Attendance, shall for every such Offence be adjudged to pay a Penalty of not less than One Pound, nor more than Three Pounds for every such Person so illegally employed.

CCXIX. The

CCXIX. The Parent of any Child who shall not be sent to School as herein-before directed, and every Person having any direct Benefit from the Wages of any Child or young Person employed in any Manner forbidden by this Act, shall be liable to a Penalty of not less than Five Shillings and not more than Twenty Shillings for each Offence. *Existing Acts.* 7 & 8 Vict. c. 15. s. 57. 3 & 4 W. 4. c. 103. s. 29.

CCXX. The Penalty for not lime-washing or washing the Walls, Passages, Staircases, and Ceilings or Tops of Rooms of a Factory, within the Period herein-before appointed, and for neglecting to provide or alter the Water Closets, Privies or Urinals, or for not cleansing or purifying Cesspools, Drains, Urinals, or Privies, or for not removing any Nuisance, or for not providing for the effectual Ventilation of any Factory as herein-before directed, shall not be less than Three nor more than Ten Pounds, and not less than Two Pounds additional Penalty for every Month during which the Occupier shall not fulfil any of the Enactments referred to in this Section, after being convicted of any of such Offences. 7 & 8 Vict. c. 15. s. 58.

CCXXI. The Penalty for not fencing the several Parts of the Steam Engine, Water-wheel, Mill-gearing, Hoist, or Teagle, and Openings thereto, Wheel-race and Machine-gearing, and other Machinery required by Part XII. of this Act to be fenced, or required to be securely fenced by Notice in Writing from an Inspector or Sub-Inspector, which Notice shall not have been cancelled as herein-before provided, shall not be less than Five Pounds and not more than Twenty Pounds. 7 & 8 Vict. c. 15. s. 59. See Clauses 194. 195. 196.

CCXXII. Every Person convicted of wilfully obstructing an Inspector or Sub-Inspector in the Execution of any of the Powers intrusted to him by Part XII. of this Act shall be liable for each Offence to a Penalty not less than Five Pounds and not more than Twenty Pounds. 7 & 8 Vict. c. 15. 6. 61.

CCXXIII. Every Occupier of a Factory in which an Inspector or Sub-Inspector shall be obstructed by any Attempt to prevent his making a full and complete Examination of all Parts of the Factory, and of every Person employed therein, shall be liable to a Penalty not less than Twenty Pounds and not more than Fifty Pounds. 7 & 8 Vict. c. 15. s. 62.

CCXXIV. Every Person convicted of making, giving, signing, countersigning, counterfeiting or making use of any Certificate authorized or required by this Act, or of any Certificate or Extract from Register of Birth or Baptism, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by Part XII. of this Act, and also every Person convicted of wilfully making or signing a false 7 & 8 Vict. c. 15. s. 63. 3 & 4 W. 4. c. 103. s. 28.

Existing Acts.

Declaration on any Proceedings under Part XII. of this Act, shall be liable to a Penalty not less than Five Pounds and not more than Twenty Pounds, or to be imprisoned for any Time not less than Fourteen Days nor more than Six Months in the House of Correction in the County, Town, or Place where the Offence was committed.

7 & 8 Vict. c. 15. s. 64.

CCXXV. The Penalty for any Offence against Part XII. of this Act, for which no specific Penalty is herein provided, shall be any Sum not less than Two Pounds and not more than Five Pounds.

7 & 8 Vict. c. 15. s. 65.

CCXXVI. Every Person who shall be convicted twice within Twelve Months for an Offence of the same Kind against any of the Provisions in Part XII. of this Act shall pay for his Second Offence any Sum not less than One Half of the highest Penalty for that Offence, and if convicted Three Times within Twelve Months for an Offence of the same Kind he shall pay not less than Two Thirds of the highest Penalty, and if convicted more than Three Times within Twenty-four Months for an Offence of the same Kind he shall pay the highest Penalty; but a Repetition of the same Kind of Offence shall not be considered as the Second or subsequent Offences referred to in this Enactment, unless such Second or subsequent Offences shall have been committed after a Complaint has been made for the previous Offences; and in any Case in which a Person shall be convicted at any One Time for Offences against Part XII. of this Act, so that the Penalties amount in the whole to more than One hundred Pounds, the Sum of One hundred Pounds, together with all the reasonable Costs and Charges of such Proceedings and Convictions, may be paid instead of the Penalties for all the Offences committed by him before the Day on which the last Summons was taken out against him.

7 & 8 Vict. c. 15. s. 66.

CCXXVII. Every Penalty imposed under Part XII. of this Act, shall be applied under the Direction of One of Her Majesty's Principal Secretaries of State, and shall be paid, on account of the Inspector for the District in which the Penalty was imposed, to such Banker as shall be appointed by such Inspector to receive the same; and every Person to whom any such Penalty shall be paid shall pay over the Amount thereof to the Banker so appointed within Fourteen Days of receiving the same; and it shall be lawful for any Secretary of State to remit the whole or any Part of such Penalty; and so much thereof as shall not be so remitted, and not otherwise especially appropriated by Part XII. of this Act, shall be applied by such Inspector, under the Direction of One of Her Majesty's Principal Secretaries of State, in such Manner as shall appear best for the Establishment or Support of Day Schools for the Education of Children employed in Factories; and so much of the Act (5 & 6 W. 4. c. 76.) as provides that certain Penalties and Forfeitures, if recovered before any Justice of any Borough having a Separate Court of Quarter Sessions

Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such Borough, shall be held to have no Application as to the Penalties imposed under Part XII. of this Act. *Existing Acts.*

CCXXVIII. Whenever any Person shall be convicted of any Offence against Part XII. of this Act, the Clerk of the Peace where such Conviction shall have been filed shall, upon the Request in Writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a Copy of the Conviction, certified under his Hand to be a true Copy; and every such Copy shall be received as Evidence of such Conviction upon any future Proceeding under Part XII. of this Act; and for every such Copy the Clerk shall be entitled to have a Fee of One Shilling, and no more. 7 & 8 Vict. c. 15. s. 67.

CCXXIX. Every Conviction under Part XII. of this Act may be in the Form given in the Schedule to Part XII. of this Act, Number 4, or in any other Form more suitable to the Case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the Records of the County, Riding, Division, Stewartry, Town or Place. 7 & 8 Vict. c. 15. s. 68.

CCXXX. No Appeal shall be allowed against any Conviction under Part XII. of this Act, except for an Offence punishable at Discretion by Fine or Imprisonment, or in cases where the Penalty awarded shall be more than Three Pounds; neither shall any Conviction, except as aforesaid, be removable by Certiorari or Bill of Advocation into any Court whatever; and no Information, Conviction, or other Proceeding on any Complaint for an Offence against Part XII. of this Act shall be quashed or deemed illegal for Matter of Form, or for the Want of any Averment unnecessary to be proved, or the Omission of any Word, or for the Insertion of any Word, in any Case in which such Omission or such Insertion respectively do not affect the Essence of the Offence, nor for the wrong Designation of a Name, or Time or Place, where the Person, Time and Place intended shall have been so stated as to have been, in the Opinion of the Justices by whom the Complaint shall have been heard, clearly understood by the Person charged with such Offence; and it shall not be necessary, in any Information, Conviction, or other Proceeding under Part XII. of this Act, to define the Processes carried on in such Factory, or Nature of the Power by which the Machinery of such Factory is moved, or to set out that the Factory or Process of Employment referred to is not within any of the Cases excepted, provided that it be therein stated that such Factory is a Factory within Part XII. of this Act; and the Proof of being within any such excepted Case shall lie upon the Party claiming the Benefit of such Exception. 7 & 8 Vict. c. 15. s. 69.

 CCXXXI. Any

Existing Acts.

7 & 8 Vict. c. 15. s. 70.

CCXXXI. Any Person aggrieved by any such Conviction for which an Appeal is allowed by the last preceding Section may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of the Conviction for the County or other Jurisdiction wherein the Cause of Complaint shall have arisen; provided that the Person so intending to appeal shall give to the Inspector or Sub-Inspector of the District Notice in Writing of such Appeal, and of the Cause or Matter thereof, within Three Days after the Conviction or Order, and Seven Clear Days at the least before such Session, and shall also enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace for the County or other Jurisdiction, Seven clear Days at the least before such Session, conditioned personally to appear at the said Session, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and the Court at such Session shall hear and determine the Matter of Appeal, and shall make such Order thereon as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction or Order the Court shall adjudge and order the Party to be punished according to the Conviction or to obey the Order appealed against, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

7 & 8 Vict. c. 15. s. 71.
3 & 4 W. 4. c. 103. s. 46.

CCXXXII. In all Cases in which a Justice of the Peace is required or empowered to do any Thing under Part XII of this Act, or is named therein, a Burgh Magistrate shall have within his Jurisdiction the same Powers and Duties as are herein given to such Justice, and shall exercise the same in Scotland; but no Complaint preferred for any Offence against Part XII. of this Act committed in a Factory shall be heard by a Justice of the Peace or Burgh Magistrate, being an Occupier of the Factory, or being the Father, Son, or Brother of the Occupier of the Factory in which the Offence set forth in the Complaint shall have been committed.

New Clause.

The Inspectors report that it frequently happens that *all* the Justices are Mill Occupiers, and Friends of the Mill Occupier complained of, who is himself frequently a Magistrate. I have inserted therefore this Clause, suggested by the Inspectors; but as stated in my Minute, I think Circuit Stipendiary Magistrates would afford a better Tribunal.

CCXXXIII. *An Inspector or Sub-Inspector may, if he shall think fit, sue for any Penalty to which any Person may be liable under Part XII. of this Act, and recover the same, with Costs, in the County Court of and for the District in which such Factory is situate, the Form of Proceeding to be in all respects similar to Actions and Proceedings in the same Court for the Recovery of Debts: Provided always, that the Particulars accompanying the Summons in such Action shall state with reasonable Certainty the Nature of the Offence or Omission for which the Penalty is sought to be recovered, the Place where and the Time when the same took place, such Particulars, if erroneous or defective, to*

to be amended at the Trial, upon such Terms as the Judge shall think fit.

Existing Acts.

CCXXXIV. *In any Case when an Inspector or Sub-Inspector requires the Services of any Peace Officer, whom he may deem necessary to assist him in the Administration of Part XII. of this Act, he may remunerate such Peace Officer by any Sum not exceeding Twenty Shillings, or recommend to One of Her Majesty's Principal Secretaries of State such Peace Officer for such Remuneration as he may consider reasonable Compensation for his Loss of Time and for his Service, and if the said Secretary of State approve of the Payment of such Remuneration, the Amount thereof shall be paid and charged as other Expenses incurred under Part XII. of this Act.*

New Clause.
The Inspectors have at present no power to remunerate Peace Officers called in to assist them in their Duties.

CCXXXV. Part XII. of this Act shall apply to the whole of the United Kingdom of Great Britain Britain and Ireland.

PART XIII.

PRINT WORKS.

THE LABOUR OF CHILDREN, YOUNG PERSONS, AND WOMEN REGULATED.

CCXXXVI. The Words "Print Work" where used in Part XIII. of this Act shall be taken to mean any Building or Shed, and any Part thereof, within which any Persons are employed to print Figures, Patterns, or Designs, by means of Blocks or Cylinders, or by means of any other Tool, Instrument, or Mechanism, upon any woven Fabric of Cotton, Wool, Hair, Fur, Silk, Flax, Hemp, or Jute, either separately or mixed together, or mixed with any other Material; or upon any felted Fabric of Wool or Fur, either separately or mixed with any other Material; or upon any Cotton, Linen, Woollen, Worsted, or Silken Yarn; and the Words "incidental printing Process" shall be taken to mean any Process of preparing, dyeing, bleaching, cleaning, calendering, dressing, or finishing incident or necessary to the Completion of the chief Process of printing Figures, Patterns, or Designs upon any of the aforesaid Materials, and carried on within Buildings, Sheds, Fields, or Portions of Ground lying adjacent to each other, or forming a Part or Parts of the Establishment where the chief Process of printing as aforesaid is carried on; and the Word "Child" shall be taken to mean a Child under the Age of Thirteen Years; and the Words "young Person" shall be taken to mean a Male Person of the Age of Thirteen Years and under the Age of

8 & 9 Vict. c. 29. s. 2.

Sixteen Years; and the Word "Woman" shall be taken to mean a Female above the Age of Thirteen Years; and the Word "Parent" shall be taken to mean Parent, Guardian, or Person having the legal Custody of any such Child; and any Person who shall work in any Print Work, whether for Wages or not, or as a Learner or otherwise, either in printing or in any incidental printing Process, or in cleaning any Part of the Print Work, or in cleaning any Block, Cylinder, Tool or Machine used therein, or in any other Kind of Work whatsoever, save in the Cases herein-after excepted, shall be deemed to be employed therein within the Meaning of Part XIII. of this Act; and the Word "Inspector" and "Sub-Inspector" shall be taken to mean respectively an Inspector and Sub-Inspector of Print Works; and the Word "Agent" shall be taken to mean any Person having on behalf of the Occupier of any Print Work the Care or Direction thereof; and the Word "Day" shall be taken to mean from Six of the Clock in the Morning until Ten of the Clock in the Evening of the same Day; and the Word "Night" shall be taken to mean from Ten of the Clock in the Evening of any One Day until Six of the Clock of the next following Morning; and any Part of such Print Work may be taken to be a Print Work within the Meaning of Part XIII. of this Act; but this Enactment shall not extend to any Part of such Buildings used solely for the Purposes of a Dwelling House; and nothing in Part XIII. of this Act contained shall extend to any Person, being a Mechanic, Artisan, or Labourer, working only in making or repairing the Machinery or any Part of the Print Work.

8 & 9 Vict. c. 29. s. 3.

CCXXXVII. The Inspectors and Sub-Inspectors of Factories appointed under Part XII. of this Act, Sections 156 and 157, shall be the Inspectors and Sub-Inspectors of Print Works under Part XIII. of this Act.

8 & 9 Vict. c. 29.

CCXXXVIII. The Provisions of Part XIII. of this Act, regulating the Powers, Duties, and Protection of Inspectors and Sub-Inspectors, contained in Sections 159, 160, 161, 162, and 163, shall apply to the Inspectors and Sub-Inspectors of Print Works in the carrying out the Provisions of Part XIII. of this Act, as though the Words "Print Work" had been inserted in such Sections, in the place of the Word "Factory."

8 & 9 Vict. c. 29.

CCXXXIX. The Provisions of Part XII. relating to certifying Surgeons and Surgical Certificates, contained in Sections 164, 165, 166, 167, 168, 169, and 170, shall apply equally to Print Works as to Factories, as though the Words "Print Work" had been inserted in the Place of the Word "Factory;" excepting that instead of the Forms

Forms in the Schedule to Part XII., Number 1, the Forms in the Schedule to Part XIII. of this Act shall be used.

CCXL. Every Person carrying on Business at any Print Work shall, within One Month next after the passing of this Act, or within One Month after beginning to carry on such Business, send a written Notice, addressed to the Office of the Factory Inspectors, London, containing the Name of such Print Work, together with the Place, Township, or Parish, and County, where the same is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, and the Name of the Firm under which such Business is or is to be carried on. 8 & 9 Vict. c. 29. s. 6.

CCXLI. Such Abstract of Part of Part XIII. of this Act as shall be directed by One of Her Majesty's Principal Secretaries of State shall be fixed on a moveable Board, and be hung up as soon as received by the Occupier of the Print Work or his Agent in the Entrance of the Print Work, and in such other Places as the Inspector or Sub-Inspector of the District may direct; and Notices of the Names and Addresses of the Inspector and Sub-Inspector of the District in which the Print Work is situated, of the Clock by which the Hours of Work in the Print Work are regulated, and any Alteration thereof, together with every other Notice required by Part XIII. of this Act, written or printed in legible Characters, and fixed on moveable Boards, (each particular Notice being signed by the Occupier of every Print Work or his Agent,) shall be hung up at the Entrance of the Print Work, where they may be easily read by the Persons employed in the Print Work, and in such other Places as the Inspector or Sub-Inspector of the District may direct, and whence they shall not be removed while the Print Work is at work; and in case any such Abstract of Part XIII. of this Act or Notice shall become illegible in any Part, the Occupier of the Print Work shall cause a new Copy thereof to be provided and hung up as aforesaid; and every Notice required to be hung shall be in the Forms and according to the Directions given in the Schedule to Part XIII. of this Act, Number 3., hereunto annexed. 8 & 9 Vict. c. 29. s. 29

CCXLII. Registers shall be kept in the Print Work to which they relate by the Occupier of every Print Work, according to the Forms and Directions given in the Schedule to Part XIII. of this Act, Number 2.; and every Inspector shall have Power to require such Occupier to send to him, in such Manner as may be directed in the Requisition, any Extracts from such Registers, and any other Information with relation to the Persons employed in the Print Work which may be requisite to facilitate the Performance of the Duties of such 8 & 9 Vict. c. 29. s. 27.

Inspector in any Inquiry made under the Authority of Part XIII. of this Act; but no Information so sent by the Occupier of any Print Work which is not contained in the Registers, Certificates, and other Documents required by Part XIII. of this Act to be received or kept shall be admissible in Evidence in any Proceeding against him for the Recovery of any Penalty; and the Registers, Certificates, and other Documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same, at any Time when the Print Work is at work.

CCXLIII. No Child or young Person shall be employed in any Print Work, whether as a Learner or otherwise, or whether for Wages or not, until his Name shall have been entered in the Register directed in the last preceding Section, to be kept according to the Directions contained in the Schedule to Part XIII. of this Act, Number 2.

8 & 9 Vict. c. 29. s. 19.

CCXLIV. No Child under the Age of Eight Years shall be employed in any Print Work.

8 & 9 Vict. c. 29. s. 20.

CCXLV. No Child shall be employed in a Print Work until the Occupier thereof shall have obtained a Surgeon's Certificate, according to the Form and Directions given in the Schedule, to Part XIII. of this Act, Number 1, in proof that such Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and is not incapacitated by Disease or bodily Infirmity from working daily in a Print Work, as allowed by Part XIII. of this Act.

8 & 9 Vict. c. 29. s. 22. I have inserted young Person. See sec. 39. of 8 & 9 Vict. c. 29.

CCXLVI. No Child, *young Person*, or Woman shall be employed in any Print Work during the Night.

8 & 9 Vict. c. 29. s. 21.

CCXLVII. No Person shall be employed in a Print Work until the Occupier thereof shall have obtained a Surgical Certificate according to the Form and Directions given in the Schedule to Part XIII. of this Act, Number 1, in proof that such Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and is not incapacitated by Disease or bodily Infirmity from working in a Print Work, as allowed by this Act.

8 & 9 Vict. c. 29. s. 28. Somewhat modified by requiring a particularClock to be fixed.

CCXLVIII. The Hours of the Day during which it is lawful to employ Children, young Persons, and Women shall be regulated in every Print Work by the Clock of the nearest *Railway Station*, or by such public Clock as may be directed by an Inspector or Sub-Inspector, who may also from Time to Time substitute any Clock as aforesaid for the Clock previously selected.

CCXLIX. The

CCXLIX. The Occupier of every Print Work shall, before employing any Child therein, obtain from a Schoolmaster a Certificate, according to one of the Forms and according to the Directions given in the Schedule to Part XIII. of this Act, Number 4, that such Child had attended School for at least Thirty Days and not less than One hundred and fifty Hours during the Half-year immediately preceding the First Day of the Employment of such Child, or if it shall have left the said Print Works and shall be again employed therein, the said School Attendance shall have been during the Half-year immediately preceding the First Day of such Re-employment, and such School Attendance shall be after the Hour of Eight of the Clock in the Morning, and before the Hour of Six of the Clock in the Evening; but no Attendance of less than Two and a Half Hours on any one Day shall be reckoned as any Part of the said One hundred and fifty Hours, nor shall any Attendance on any one Day for more than Five Hours be reckoned for more than Five Hours; and a like Certificate shall be obtained at the Beginning of each Period of Six Months during which the Employment of such Child shall be continued in that Print Work; and such Occupier shall keep every such Certificate as long as such Child shall continue in his Employment for Twelve Months after the Date thereof, and shall produce the same to the Inspector or Sub-Inspector when required during such Period.

10 & 11 Vict. c. 70. ss. 1, 3, which repeal ss. 23, 24, and 25, and Part of Schedule A of 8 & 9 Vict. c. 29

CCL. The Master of any School which shall be attended by Children employed in a Print Work shall keep a Register of their Names and Attendance, and if the Inspector of the District shall disapprove of the Form of Register adopted by the Schoolmaster it shall be kept in such other Form as the Inspector may direct.

10 & 11 Vict. c. 70. ss. 1, 2.

CCLI. All Complaints for Offences against Part XIII. of this Act shall be preferred within Two Months next after the Commission of the Offence, except in the Case of Complaints for having employed a Child without the School Certificate required by Part XIII. of this Act, in which Case the Complaints may be preferred within Six Months next after the Commission of the Offence, or in the Case of Complaints for Offences punishable at Discretion by Fine or Imprisonment, in which Case the Complaints may be preferred within Twelve Months next after the Commission of the Offence; and no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein-after named for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence, and except also for Offences of employing Two or more Children or young Persons or Women contrary to Law.

8 & 9 Vict. c. 29. s. 31.

8 & 9 Vict. c. 29. s. 39.

CCLII. Any Person who shall be convicted of having employed any Child, young Person, or Woman in any Manner contrary to the Provisions of Part XIII. of this Act, or of employing any Child under the Age of Thirteen Years without having obtained the Certificate from a Schoolmaster required by Part XIII. of this Act, such Person (not being the Parent of such Child, or the Husband of such Woman, nor having any direct Benefit from the Wages of such Child or Woman,) shall for every such Offence be adjudged to pay a Penalty of not less than Twenty Shillings and not more than Three Pounds for each Child, young Person, or Woman so illegally employed: Provided always, that if the Offence shall be the Employment of any such Child, young Person, or Woman during the Night, the Penalty shall be not less than Forty Shillings nor more than Five Pounds for each Child, young Person, or Woman so illegally employed.

8 & 9 Vict. c. 29. s. 40.

CCLIII. Every Parent and other Person who shall have direct Benefit from the Wages of any Child employed in any Manner forbidden by Part XIII. of this Act, who shall wilfully connive at such illegal Employment, or who shall neglect to cause such Child to attend School as herein-before provided, or who, when required by an Inspector or Sub-Inspector, shall fail to produce a Certificate of the School Attendance of such Child, as required by Part XIII. of this Act, and the Husband of any Woman employed during the Night wilfully conniving at such Employment, shall be liable to a Penalty of not less than Five Shillings and not more than Twenty Shillings for each Offence.

8 & 9 Vict. c. 29. s. 41.

CCLIV. Every Person convicted of wilfully obstructing an Inspector or Sub-Inspector in the Execution of any of the Powers intrusted to him by virtue of Part XIII. of this Act shall be liable for each Offence to a Penalty of not less than Three Pounds and not more than Ten Pounds.

8 & 9 Vict. c. 29. s. 42.

CCLV. Every Occupier of a Print Work in which an Inspector or Sub-Inspector shall be obstructed in the Night, by any Attempt to prevent his making a full and complete Examination of all Parts of the Print Works, and of every Person employed therein, shall be liable to a Penalty of not less than Twenty Pounds and not more than Fifty Pounds.

8 & 9 Vict. c. 29. s. 43.

CCLVI. Every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by or by virtue of Part XIII. of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false or counterfeited Certificate, or any false Entry in any

any Register, or any other Account, Paper, or Notice required by or by virtue of Part XIII. of this Act, and also every Person convicted of wilfully making or signing a false Declaration in any Proceedings under Part XIII. of this Act, shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds, or to be imprisoned for any Time not exceeding Six Months in the House of Correction in the County, Town, or Place where the Offence was committed.

CCLVII. The Penalty for any Offence against Part XIII. of this Act for which no special Penalty is herein provided shall be any Sum not less than Two Pounds and not more than Five Pounds. 8 & 9 Vict c. 29. s. 44.

CCLVIII. Non-compliance with any Direction contained in the Schedule to Part XIII. of this Act shall be deemed an Offence against the Provisions of Part XIII. of this Act. 8 & 9 Vict. c. 29. s. 45.

CCLIX. The Provisions in Part XII. of this Act relating to the Penalties in Cases of Second and subsequent Convictions, and to the Proceedings for the Recovery of Penalties, and to the Application of Penalties, shall apply equally to Penalties and Proceedings under Part XIII. of this Act, as though the Words "Print Work" had been inserted in such Sections or instead of, the Word "Factory." 8 & 9 Vict. c.29.sects.46. to the End.

CCLX. Part XIII. of this Act shall apply to the whole of the United Kingdom of Great Britain and Ireland.

PART XIV.

General Provisions as to Procedure.

CCLXI. No Proceeding under this Act shall be quashed or set aside for want of Form, nor shall any Proceeding be removed into a Superior Court by Certiorari, excepting Proceedings under Sections 134, 135, 136, 137, 138, 139, 140, and 141.

CCLXII. No Action shall be commenced against any Person for anything done in the Execution of this Act, after the Expiration of Six Months from the Time when the Act complained of was committed; and in any such Action the Defendant shall be entitled to plead the general Issue, and to give this Act and the special Matter in Evidence.

CCLXIII. No Person shall be liable to be convicted of any Offence against this Act committed by his Copartner in Trade, and without

his Knowledge, Privity, or Consent; but it shall be lawful, when any Penalty, or any Sum of Money, is ordered to be paid under the Authority of this Act, and the Person ordered to pay the same shall neglect or refuse to do so, to levy the same by Distress and Sale of any Goods belonging to any Copartnership, Concern, or Business, in the carrying on of which such Charges may have become due, or such Offence may have been committed: and the service of a copy of any Summons or other Process, or of any Order, upon One of such Copartners, shall be deemed to be a sufficient Service upon all, and it shall be sufficient in such Summons to state the ordinary Style or Designation of any such Copartnership or Firm.

CCLXIV. In all Proceedings under this Act, where no special Procedure is provided, the Provisions of the 11 & 12 Vict. Cap. 43. shall regulate such Proceedings.

SCHE-

SCHEDULES referred to in Act.

SCHEDULE to Part VII. of Act.

Form of the Award to be written at the Foot or upon the Back of the Order of the Justices of the Peace or Magistrates certifying the Reference.

WE, *I.K.* and *L.M.* [*name and describe the Referees*], the Referees appointed to settle the Matters in dispute between the Parties within named, [*or I.K.*, one of the Referees so appointed; *or L.M.*, the other Referee appointed having failed to attend; *or* I *N.O.* the Justice *or* Magistrate, *as the Case may be*,] do hereby adjudge and determine that [*here set forth the Determination; to which the Referee or Referees, or Justice, as the Case may be, shall subscribe their Names*].

Form of Endorsement, extending the Time limited for making the Award.

WE, *A.B.* and *C.D.*, Parties to the within Reference, do hereby agree to the same to the Day of inclusive, Witness our Hands this Day of .

A.B.

Witness, *C.D.*

Form of Acknowledgment of Fulfilment of the Award, to be written at the Foot or on the Back thereof.

I *A.B.* do hereby acknowledge that the above Award hath been fulfilled by *C.D.*, who is hereby discharged of the same. Witness my Hand t Day of .

Witness, *A.B.*

Form of the Oath to be administered by the Arbitrators or Justice to the Parties and Witnesses under this Act.

THE Evidence that you shall give before us, the Arbitrators appointed by *C.D.* and *C.D.* [*the Parties*] to determine the Matters in difference between them, under and by virtue of "The Labour Act, 1854," Vict. c. shall be the Truth, the whole Truth, and nothing but the Truth.

So help you GOD.

Form of Commitment of a Person summoned as a Witness before the Arbitrators.

WHEREAS Proof on Oath hath been made before me, One of Her Majesty's Justices of the Peace [*or* One of the Magistrates] for the County [*or*

Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on this Day of that *A.B.* hath been duly summoned, and hath neglected to appear and give Evidence before *C.D.* and *E.F.* the Arbitrators appointed by and between *G.H.* and *I.K.* to determine the Matters in dispute between them at in the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on the Day of under and by virtue of "The Labour Act, 1854," Vict. c. , and the said *A.B.* being required by me the said Justice [*or* Magistrate] to give Evidence before the said Arbitrators, and still refusing so to do, therefore I, the said Justice [*or* Magistrate], do hereby, in pursuance of the said Act, commit the said *A.B.* to the [*describing the Prison and the House of Correction*], there to remain without Bail or Mainprize for his [*or* her] Offence aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined, and give his [*or* her] Evidence before the said Arbitrators, touching the Matters referred to them as aforesaid, or shall otherwise be discharged by due Course of Law: And you the [*Constable or other Peace Officer or Officers to whom the Warrant is directed*] are hereby authorized and required to take into your Custody the Body of the said *A.B.*, and him [*or* her] safely to convey to the said Prison [*or* House of Correction], and him [*or* her] there to deliver to the Gaoler [*or* Keeper] thereof, who is hereby authorized and required to receive into his Custody the Body of the said *A.B.*, and him [*or* her] safely to detain and keep, pursuant to this Commitment. Given under my Hand this Day of in the Year of our Lord .

This Commitment to be directed to the proper Peace Officer and the Gaoler [or *Keeper*] *of the Prison* [or *House of Correction.*]

Form of Warrant of Distress.

To the Constable of

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to "The Labour Act, 1854" Vict. liable to pay to of Sum of and also the Sum of and the said having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making such Award, these are therefore to command you to levy the said Sum of by Distress and Sale of the Goods and Chattels of the ; and I do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days, unless the said Sum of for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, shall be sooner paid; and you are also hereby commanded to certify to me what you shall do by virtue of this my Warrant. Given under my Hand and Seal at the Day of .

SCHE-

SCHEDULE to Part XII.

Number 1.

CERTIFICATES OF AGE.

(*To be written or printed on white Paper.*)

Labour Act, 1854, *Victoria, c.* .

No. ——. CERTIFICATE of AGE for a CHILD to be employed in the Factory of situated at in

I, of duly appointed a Certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me this Day of One thousand eight hundred and and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years; and that the said Child is not incapacitated, by Disease or bodily Infirmity, from working daily in the above-named Factory for the Time allowed by Part XII. of this Act.

(Signed) Certifying Surgeon.

The Form of surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the Words, "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place: "and that a Certificate of the Birth [*or* Baptism] of the said Child has been produced to me in the Form required by Part XII. of this Act, proving that the real Age of such Child is at least Eight Years."

The Form of surgical Certificate to be given to Children employed in Silk Mills in Proof that a Child is Eleven Years of Age shall be the same as the above, substituting the Word "Eleven" for the Word "Eight."

(*To be written or printed on coloured Paper.*)

Labour Act, 1854, *Victoria, c.* .

No. ——. CERTIFICATE of AGE for a YOUNG PERSON or WOMAN to be employed in the Factory of situated at in

I, of duly appointed a Certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me this Day of One thousand eight hundred and and that the said young Person has the ordinary Strength and Appearance

pearance of a Person of at least Thirteen Years of Age, and that I believe the real Age of the said Person to be at least Thirteen Years; and that the said Person is not incapacitated, by Disease or bodily Infirmity, from working daily in the above-named Factory for the Time allowed by Part XII. of this Act.

(Signed) Certifying Surgeon.

The Form of surgical Certificate to be given to a young Person or Woman who has obtained a Certificate of real Age shall be the same as above, omitting the Words, "and that the said Person has the ordinary Strength and Appearance of a Person of at least Thirteen Years of Age, and that I believe the real Age of the said Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said Person has been produced to me in the Form required by Part XII. of this Act, proving that the real Age of such Person is at least Thirteen Years."

The Forms of surgical Certificate to be given in either Case by any Practitioner who is not a Certifying Surgeon must correspond with the Forms above given, omitting the Words "duly appointed a Certifying Surgeon," and substituting the Words "duly authorized by the University [*or* College, *or other public Body having Authority in that Behalf*] of
to practise Surgery [*or* Medicine]," and making the following Addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The Child [young Person *or* Woman] named in the above-written Certificate has been this Day brought before me; and the Appearance of the said Child [young Person *or* Woman] agrees with the Description therein given; and I believe the real Age of the said Child [young Person *or* Woman] to be at least [*here insert the Word* "Eight" *or* "Eleven" *in the Case of a Child, or* "Thirteen" *in the Case of a young Person or Woman,*] Years; and I declare that I have no beneficial Interest in and am not the Occupier of any Factory, and that I am not the Father, Son, or Brother of the Occupier of any Factory.

Dated this Day of One thousand eight hundred
and

(Signed) *C.D.*, Justice,
[*or* Burgh Magistrate.]

In every surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates shall be obtained by the Occupier of a Factory they shall be fixed in "The Age Certificate Book," in the Order of the Dates at

at which they shall have been respectively received; and shall be numbered in the Order in which they are fixed in the Book; but the Certificates for Children shall be in a separate and distinct Book, and shall be distinguished by a Series of Numbers different from that of the Certificates for young Persons.

So soon as any Certificate of Age shall be obtained, the Number of each Certificate shall be prefixed to the Name of the Child, young Person, or Woman for whom such Certificate has been granted, in the First Column of the Register required by this Act to be kept in each Factory.

If a Surgeon shall have refused to grant a Certificate of Age to any Child young Person or Woman, the Word "Refused" shall be written in the Column of the Register where the Numbers of the Certificates are required to be inserted.

Labour Act, 1854 *Victoria*, *c.* .

CERTIFICATE REFUSED.

I, of duly appointed a Certifying Surgeon, do hereby declare, That Son [*or* Daughter] of residing in has been personally examined by me this Day of One thousand eight hundred and and that in my Opinion the said [Child *or* Person] has not the ordinary Strength and Appearance [of a Child of at least Eight Years of Age (*or* of a Person of at least Thirteen Years of Age) or (*or* and) is incapacitated by Disease and bodily Infirmity from working daily in a Factory for the Time allowed by Part XII. of this Act.]

(Signed) Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the Certifying Surgeon, who shall insert the Reason of his Refusal, to be either on account of deficient Age or of bodily Infirmity, or both, as the Case may be.

SCHEDULE to Part XII.

Number 2.

Registers.

FORM FOR THE REGISTER OF MALE YOUNG PERSONS, AND WOMEN.

List of Male young Persons and Women employed in this Factory.

No. of Reference to Age Certificate Book, as required in Schedule No. 1. or if the Young Person or Woman be above Sixteen Years of Age, the Letters XVI.	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed insert opposite the Name the Word "Left;" and when any Male Person completes his Eighteenth Year of Age, the Word "Eighteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every young Person and Woman above Eighteen Years of Age employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or, after having left, when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.

2. The Name of the Factory, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.

3. The Nature of the Work carried on.

4. The Nature of the Moving Power, the whole Amount of Horse Power of the Steam Engine or Water-wheel, and also the Amount of Horse Power employed by the Occupier or Firm.

5. The Clock appointed by this Act or by an Inspector or Sub-inspector, by which the hours of Work and Meal Times in the Factory are regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

6. The Holidays and Half Holidays which shall have been given in conformity with this Act shall be recorded together in a distinct Place in this Register.

7. The Dates when the several Parts of the Factory shall have been lime washed or painted in Oil, and the Names and Residences of the Persons by whom the Factory was limewashed or painted in Oil, shall be recorded in a distinct Place in this Register within Six Days after they have been so limewashed, or painted; and this Declaration of the Times of limewashing and painting shall be signed by the Occupier or his Agent.

8. The

8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the Manner following:—

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no Child or young Person in the Factory to be examined at the Time of his Visit, he shall insert in this Column the Word "None."

† If none be granted, he shall insert the Word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under Thirteen Years of Age are employed.

Names of the Children employed in this Factory before Twelve o'Clock at Noon, or the Morning Set.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Afternoon Set, the Word "Changed;" or the Letters XIII. when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

Names of the Children employed in this Factory after One o'Clock in the Afternoon, or the Afternoon Set.

No. of Reference to Age Certificate Book, as required in Schedule No. 1.	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Morning Set, the Word "Changed;" or the Letters XIII. when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every Child under Thirteen Years of Age employed in the Factory, to be entered successively when engaged to work, whether as a Learner or for Wages or not, for the First Time, or, after having left, when re-engaged to work.

If any Child be removed from the Morning Set to the Afternoon Set, or *vice versâ*, the Name of the Child must be entered as a new Comer in the Register for the Set to which it is removed, and the Number of its Certificate of Age must be placed against its Name, but no new Certificate shall be required for such Child.

If the Mill Occupier desires to change the Time of working of the Two entire Sets of Children at stated Periods, (as for instance) to make a Change every Month, so that the Children who worked in the Morning one Month shall work in the Afternoon the next Month, and *vice versâ* for the other Children, alternately throughout the Year, it will not be necessary to enter the Names of the Children anew, but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration, in addition to the other Details herein-before required :—

1. The Children entered in this Register as belonging to the Morning Set work in this Factory before Twelve o'Clock, and not after One o'Clock, on and after the First Monday of the Months of—
   January, March, May, July, September, and November ;
   and after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—
   February, April, June, August, October, and December.
2. The Children entered in this Register as belonging to the Afternoon Set work in this Factory after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—
   January, March, May, July, September, and November ;
   and before Twelve o'Clock, and not after One o'Clock, on and after the First Monday of the Months of—
   February, April, June, August, October, and December.

Signature of

_____ Occupier or Agent.

When a Change in the Time of working of the Two entire Sets of Children is made at other stated Periods allowed, by this Act the necessary Alterations shall be made in the above Declaration, to the Satisfaction of the Inspector or Sub-Inspector of the District.

In any Silk Factory in which Children above Eleven Years of Age are employed as young Persons, their Names shall be entered in the Register of young Persons and Women, a Register of the Names of such Children shall be kept in the above Form, distinct from the Register of the Names of the Children who are employed in Morning and Afternoon Sets.

In all Factories where more than Twenty Children or young Persons are employed, an Alphabetical Index shall be kept of the Surnames of all the Children employed in the Factory, and another Alphabetical Index shall be kept of the Surnames of all the young Persons and Women employed in the Factory, adding to each the Christian Name and the Number of the Certificate under which the Child, young Person, or Woman is then employed, or if more than Sixteen Years of Age, the Letters XVI.

All the Forms contained in this Schedule (Number 2.) which shall apply to any particular Factory may be bound together in One Book, except the Alphabetical Index of Reference herein-before referred to.

SCHE-

SCHEDULE to Part XII.

Number 3.

NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Adresses of the Inspector and Sub-Inspector, the Certifying Surgeon, the Clock for regulating the Factory, and the Meal Times of all Children, young Persons, and Females above Eighteen Years of Age employed in the Factory.

Name and Address of the Inspector of the District - _____

Name and Address of the Sub-Inspector of the District - _____

Name and Address of the Certifying Surgeon of the District - - - - _____

Clock by which the Hours of Work and Meal Times are regulated - - - - - _____

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The Times allowed for Meals in this Factory.

Days of the Week.	Meal Times.		Meal Times.		
	From	To	From	To	
Monday - - -					
Tuesday - -					
Wednesday - -	*	*	*	*	
Thursday - -					
Friday - -					
Saturday - - -					

* In these Spaces the Times for Meals shall be printed or written legibly in ink.

_____ Signature of the Occupier of the Factory or his Agent.

FORM of NOTICE when the Hours of Work are taken between Seven A.M. and Seven P.M.

HOURS OF WORK,

Between Seven in the Morning and Seven in the Evening.

The Section of the "Labour Act, 1854," Vict. c. enacts, "That "during all or Part of the Period between the Thirtieth Day of September of "any Year and the First Day of April of the following Year, Children, young "Persons, and Women, may be employed, except on Saturday, between the "Hours of Seven of the Clock of the Morning, and Seven of the Clock of the "Evening, instead of the Hours herein-before limited, under the following "Regulations and Conditions; (that is to say,) Notice signed by the Occupier of any Factory or his Agent, of the Intention to employ Children, young Persons, and Women, under this Provision, specifying the Period, not being "less than One Month, during which they are to be so employed in such Fac-"tory, shall be sent One Week previously to the Inspector of the District, and "a Notice in the Form and according to the Directions contained in the "Schedule to Part XII. of this Act, Number 3., shall be hung or fixed up, "and during the Period specified in the Notice shall be kept fixed up in such "Factory; and during the Period specified in such Notice, Children, young "Persons, and Women may be employed in such Factory after Six of the "Clock and not later than Seven of the Clock in the Evening of any Day, "except Saturday; and during the Period specified in such Notice no Child, "young Person, or Woman shall be employed in such Factory before Seven "of the Clock in the Morning of any Day, except Saturday; and the Provi-"sions herein-before contained shall, as to every Day, except Saturday, "during the Period specified in such Notice, take effect as if Seven of the "Clock in the Morning and Seven of the Clock in the Evening were through-"out substituted for Six of the Clock in the Morning and Six of the Clock in "the Evening respectively."

NOTICE.

In compliance with the above-recited Enactment.

All Children, all young Persons, and all Women are to be employed in this Factory on every Monday, Tuesday, Wednesday, Thursday, and Friday, from the day of 185 , to the day of next ensuing, between the Hours of Seven in the Morning and Seven in the Evening, and on every Saturday between the Hours of Six in the Morning and Two in the Afternoon.

Notice to be here Signed by the Occupier of the Factory or his Agent. { *Name*_____ *Address*_____ *Date*_____

Approved this Day of 185 .

Inspector of Factories.

This Form shall be signed by the Inspector of the District and by the Occupier o the Factory, and shall be hung up in the Factory, before it is lawful to employ any Child, young Person, or Woman, after Six of the Clock in the Evening.

FORM

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover any Part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

A separate Notice is required for each Loss: thus, if Six Hours be lost on any One Day, the Entry of the Loss, and of the Six Days on which that loss was recovered, at the Rate of One Hour per Day, must be upon the same Notice; and any succeeding Loss, with its corresponding Recovery, must be in like Manner entered upon a separate and distinct Notice, so that each Notice of Time recovered shall show distinctly the Day when that Time was lost.

The Entries of Time lost shall be made in this Notice before any Part of the Time can be recovered.

Account of Time lost and recovered.

TIME LOST ON THE DAY OF 18 .					TIME RECOVERED.			
Cause of Loss.	Time of Day when lost.	Room where Stoppage took place and Machinery stopped.	Amount lost.		Day of Recovery.	Time of Day when recovered.	Amount recovered.	
			Hours.	Minutes.			Minutes.	Hours.

_____ Signature of the Occupier of the Factory or his Agent.

All Notices of Time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the Order of their respective Dates, and be open for the Examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six Calendar Months after the lost Time entered therein shall have been recovered.

SCHEDULE to Part XII.

Number 4.
SCHOOL CERTIFICATE.

Labour Act, 1854. *Victoria, c.* .

I HEREBY certify, That the under-mentioned Child [*or* Children] employed in the Factory of situated in has [*or* have] attended the School kept by me at for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [her *or* their] Name [*or* Names] during the Week ending on Saturday the Day of One thousand eight hundred and , and that the Causes of Absence stated are true, to the best of my Belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(Signed) Schoolmaster [*or* Schoolmistress].

the Day of 18 .

Under the Column headed "Time" the Hours of the Day when each Child has attended School shall be stated, as thus: from Nine to Twelve, or from Two to Five, or such other Time, as the Case may be; and all the Children employed in the same Factory who attend School before One of the Clock in the Afternoon shall be entered together, distinct from those who attend School after One of the Clock.

The Time when each Child has attended School shall be stated in the Column for each Day, in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

In the Case of any Child who has been absent from School, the Letter (A.) shall be inserted under the Day or Days of Absence, and the Cause of Absence shall be inserted in the Column headed "Causes of Absence," so far as the same can be ascertained; and when any Day has been a Holiday at the School the Word "Holiday" shall be entered in the Column of the Day.

All School Certificates, if given on loose Sheets, shall, as soon as received, be fixed in a Book, to be called "The School Certificate Book," in the Order of their respective Dates. Copies of the above Forms may be bound together in a Book for each Factory.

SCHE-

SCHEDULE to Part XII.

Number 5.

Forms of Notices, Summonses, and Conviction.

Form of Notice to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such Driving Strap or Band, in the Factory, as appears to him to be dangerous to the Workers.

To [*Name of Occupier*], Occupier of a [*Description of the Manufacture*] Factory, situated in the Parish of and County of

I hereby give you Notice, That the following Parts of the Machinery in your Factory, namely [*here enumerate the Parts*], appear to me to be dangerous, and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that by the "Labour Act, 1854," Victoria, c. . it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, you will be liable, provided this Notice shall not have been cancelled as hereinbefore provided, to a Penalty of not less than Five Pounds, nor more than Twenty Pounds, and you will be liable to a Penalty of One hundred Pounds, and to all Damages, Costs, and Charges in any Action brought against you by or on behalf of any Person who shall suffer any bodily Injury in consequence of such Neglect or Failure, or of the Relations of the Person injured, if Death should ensue from the Accident.

Given under my Hand, this Day of in the Year One thousand eight hundred and

(Signed) Inspector [*or* Sub-Inspector].

Form of Summons to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of
(*or* Borough of)

To the Constable of .

Whereas to the best of my Knowledge and Belief, in the of in the said ha offended against the "Labour Act, 1854," Victoria. c. ,, forasmuch as the said on the Day of instant, at the of aforesaid, being then and there the Occupier of a certain Factory, within the said the same being a Factory within the true Intent and Meaning of the said recited Act, did [*here set forth the Substance of the Charge*], whereby the said hath forfeited for the said Offence a Penalty of not less nor more than Pounds, I One of Her Majesty's Inspectors of Factories [*or* Sub-Inspector of Factories] hereby require you to deliver to the said a Copy of this Summons to appear before such Two or more of Her Majesty's Justices of the

Peace acting in and for the County [*or* Borough, *&c.*] of who shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to answer to the said Charge, and to be further dealt with according to Law. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord .

(Signed) *I.F.*, Inspector [*or* Sub-Inspector].

FORM of SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of (*or* Borough of) }

To the Constable of .

WHEREAS, to the best of my Knowledge and Belief, in the of in the said ha offended against "the Labour Act, 1854," Victoria , and that *B.P.* of in the County [*or* Borough, *&c.*] is a material Witness to be examined concerning the said Charge; I, One of Her Majesty's Inspectors of Factories [*or* Sub-Inspector of Factories], hereby require you to deliver to the said a Copy of this Summons to the said *B.P.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough, *&c.*] of as shall be present at in the County [*or* Borough, *&c.*] of on the Day of at the Hour of in the noon of the same Day, to testify his Knowledge concerning the Premises. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord

(Signed) *I.F.*, Inspector [*or* Sub-Inspector].

FORM

FORM OF CONVICTION.

County of (Liberty *or* Borough, *as the Case may be.*) } BE it remembered, That on the Day of in the Year One thousand eight hundred and *A.B.* [*describe the Offender*] is convicted before us, *J.P.* and *K. Q.*, Two of Her Majesty's Justices of the Peace for the County [Liberty *or* Borough, *as the Case may be,*] of in pursuance of the "Labour Act, 1854," Vict. c.

Given under our Hands and Seals, the Day and Year above written.

J. P. L.S.

K. Q. L.S.

SCHEDULE to Part XIII.

Number 1.

SURGICAL CERTIFICATE.

(To be written or printed on White Paper.)

LABOUR ACT, 1854. VICT. C. .

No.——. CERTIFICATE of AGE for a CHILD to be employed in the Print Work of situated at in I of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me this Day of One thousand eight hundred and and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years; and that the said Child is not incapacitated by Disease or bodily Infirmity from working in the above-named Print Work for the Time allowed by Part XIII. of this Act.

Signed Certifying Surgeon.

The Form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the Words "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said Child has been produced to me in the Form required by this Act, proving that the real Age of such Child is at least Eight Years."

(To be written or printed on coloured Paper.)

LABOUR ACT, 1854. VICT. C. .

No.——. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Print Work of situate at in . I of duly appointed a certifying Surgeon, do hereby certify, That Son [*or* Daughter] of and residing in has been personally examined by me, this Day of One thousand eight hundred and and that the said young Person has

has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years; and that the said young Person is not incapacited by Disease or bodily Infirmity from working in the above-named Print Work for the Time allowed by Part XIII. of this Act.

Signed Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the same as the above, omitting the Words "and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said young Person has been produced to me in the Form required by Part XIII. of this Act, proving that the real Age of such young Person is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the Words "duly appointed a certifying Surgeon," and substituting the Words "duly authorized by the University [*or* College *or other public Body having Authority in that Behalf*] of to practise Surgery [*or* Medicine]," and making the following addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The Child [*or* youug Person] named in the above written Certificate has been this Day brought before me; and the Appearance of the said Child [*or* young Person] agrees with the Description therein given; and I believe the real Age of the said Child [*or* young Person] to be at least [*here insert the Word* "Eight," "Thirteen" *in the Case of a young Person,*] Years, and I declare that I have no beneficial Interest in and am not the Occupier of any Print Work, and that I am not the Father, Son, or Brother of the Occupier of any Print Work.

Dated this Day of One thousand eight hundred and

(Signed) *C.D.*, Justice [*or* Burgh Magistrate].

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates authorized by Part XIII. of this Act to be received as Proof of the Age of any Persons shall be obtained by the Occupier of a Print Work or his Agent, they shall be fixed in a Book, to be called "The Age Certificate Book," in the Order of the Dates at which they shall have been respectively received; and such Certificates shall be numbered in the Order in which they are so fixed in the Book; but the Certificates for Children shall be kept in a separate and distinct Place in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the Certificates for young Persons.

So soon as any Certificate of Age authorized by Part XIII. of this Act shall be obtained, the Number herein-before required to be set against each Certificate shall be set against the Name of the Child or young Person to whom such Certificate has been granted in the first Column of the Register of the Persons employed required by Part XIII. of this Act to be kept in each Factory.

If a Surgeon shall have refused to grant a Certificate of Age to any Child or young Person, the Word "Refused" shall be written by the Surgeon in the Column of the Register where the Numbers of the Certificates are required to be inserted.

LABOUR ACT, 1854. VICT. C. .

CERTIFICATE REFUSED.

I of duly appointed a certifying Surgeon, do hereby declare, That Son [*or* Daughter] of residing in has been personally examined by me this Day of One thousand eight hundred and and that in my Opinion the said [Child *or* young Person] has not the ordinary Strength and Appearance of a Child of at least Eight Years of Age [*or* of a young Person of at least Thirteen Years of Age], or [*or* and] is incapacitated by Disease and bodily Infirmity from working in a Print Work for the Time allowed by Part XIII. of this Act.

Signed Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal to be either on account of deficient Age or bodily Infirmity, or both, as the Case may be.

SCHE-

SCHEDULE to Part XIII.

Number 2.
REGISTERS.

Form of the Register of Children.

LIST of CHILDREN employed in this PRINT WORK.

No. of Reference to Age Certificate Book, as required by Schedule No. 1.	NAMES.		Date of First Day of being employed or re-employed.			When any Child ceases to be employed, insert opposite the Name the Word "Left;" and when any Child completes his Thirteenth Year of Age, the Word "Thirteen."	School at which the Child attends.	
	Surname.	Christian Name.	Month.	Day.	Year.		Name of the Master.	Situation of the School.

This Register shall contain the Name of every Child employed in the Print Work, to be entered in alphabetical Order, successively when engaged to work, whether for the first Time, or after having left when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Print Work, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Clock by which the Employment of the Workers in the Print Work is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

Form for the Register of young Persons.

LIST of YOUNG PERSONS employed in this FACTORY.

No. of Reference to Age Certificate Book, as required in Schedule No. 1.	NAMES.		Date of First Day of being employed or re-employed.			When any young Person ceases to be employed, insert opposite the Name the Word "Left;" and when any young Person completes his Sixteenth Year of Age, the Word "Sixteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

The Visits of the certifying Surgeon to the Print Work shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no Child or Young Person in the Print Work to be examined at the Time of his Visit he shall insert in this Column the Word "None."

† If none be granted he shall insert the Word "None."

Number 3.

Notice to be fixed up in the Print Work.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, and the Clock for regulating the Hours of Work in the Print Work.

Name and Address of the Inspector of the District - - - - - _____

Name and Address of the Sub-Inspector of the District - - - - _____

Name and Address of the Surgeon who grants Certificates of Age for the Print Work - - - - - _____

Clock by which the Hours of Work are regulated - - - - - _____

SCHE-

SCHEDULE to Part XIII.

Number 3.

I.—Form of School Certificates for One Child.

I HEREBY certify, that the Child *A.B.*, Son [*or* Daughter] of *C.D.* and *E.F.*, residing in attended the School kept by me at for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [*or* her] Name.

During the several Weeks ending the Day, Month, and Year stated in the First Column.

Week ending Saturday.			Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total Number of Hours during this Week.	Signature of Schoolmaster.	Date of Signing.
Day.	Month.	Year.	From	To	From	To	From	To	From	To	From	To	From	To			

No Part of the School Attendance certified shall be valid for a longer Time than Six Months after the Date of such Attendance; and if a Child for whom this Form of Certificate has been given shall cease to be employed in the Print Work to the Occupier of which such School Certificate was delivered, the Child's Parent, or any Person having direct Benefit from the Wages of such Child, shall be entitled on Demand to have the said Certificate restored to him.

II.—FORM of SCHOOL CERTIFICATE which may be used when Two or more Children employed in the same Print Work attend the same School.

I HEREBY certify that the Children whose Names are under-written, employed in the Print Work of at in the Parish of and County of attended for the Number of Hours and at the Time specified in the Columns opposite to their respective Names, at the School kept by me at in the Parish of and County of during the Week ending on Saturday the Day of 18 .

Child's Name.		Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Total No. of Hours during this Week.
Surname.	Christian Name.	From	To	From	To	From	To	From	To	From	To	From	To	

Signed Schoolmaster.

This Day of 18 .

GENERAL DIRECTIONS APPLICABLE TO BOTH FORMS.

In the Columns headed with the Days of the Week, the Hours of Attendance shall be stated; as thus, from Nine to Twelve, or, from Two to Five, or any other Time, as the Case may be; and the Schoolmaster shall, in his own Handwriting, fill up the Date when the Week ends during any Part of which the Child shall have attended his School.

The Hours of School Attendance, or the Word "absent," shall be stated in the Column for each Day, in the Handwriting of the Schoolmaster; and no Certificate shall be valid, unless the Schoolmaster shall in his own Handwriting subscribe to it his Christian and Surname in full, affixing the Date when he signs the same.

UNIV.

STATUTE LAW.

THIRD REPORT

OF

Mr. Bellenden Ker to the Lord Chancellor,

ON THE

PROCEEDINGS OF THE BOARD

FOR THE

REVISION OF THE STATUTE LAW.

Ordered, by The House of Commons, *to be Printed,*
12 *June* 1854.

[*Price* 4 *s.*]

302—I.

Under 2 *lbs.* 12 *oz.*